KASHMIR IMBROGLIO : DIAGNOSIS AND REMEDY

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Message

As a person who has spent the last 35 years in exile in India, I have strong feelings and concern for the problems facing this country. I am, therefore, deeply saddened by the situation in Kashmir and the difficulties being faced by the local people there. However, I feel that as democracy is deeply-rooted in India, the Kashmiris have various means to air their grievances without resorting to violence. The need of the hour is to find an amicable solution based on the ground reality, democracy and the rule of law. I pray that a peaceful solution to the problem in Kashmir will soon be found.

Tenzin Gyatso

Foreword

T.N. Kaul, former foreign Secretary and Ambassador to USSR and USA.

Shri M.G. Chitkara's book "Kashmir Imbroglio : Diagnosis and Remedy" is an honest effort to put the problem of Kashmir in its proper perspective-historical, economic, culture, social, religious ethnic and strategic. He has also made an effort to relate the Kashmir question to the policies followed by the British, the Americans, the Chinese and some of the Islamic fundamentalist Countries. He has not hesitated to point out the mistakes made by India in dealing with Kashmir. One may or may not agree with Shri Chitkara's analysis or conclusions, however, one cannot but admire his honest effort to put the Kashmir problem before the people of India and Pakistan and the rest of the world as seen by one who believes in the unity and brotherhood of humankind.

Coming to the reality of Kashmir one has to bear the following facts in mind:—

1. The partition of India in 1947, though unfortune, was inevitable in the circumstances created by communal violence just before the partition. Although Gandhiji was against it, Maulana Azad, Pandit Nehru and Sardar Patel reluctantly accepted it as the lesser of two evils—(i) a civil war based on religion which would have involved the massacre and migration of 100 million people, and (ii) partition which also resulted in religious riots and migration and massacre but of a smaller magnitude—10 million migrated and 1 million massacred. The Indian leaders had hoped that after experiencing the difficulties of a new Pakistan whose two wings were separated by a thousand miles of Indian territory, the new Pakistan would see the wisdom of joining India in a loose federation or confederation which could have worked to the benefit of both and become a power to be reckoned within Asia and the World. However, it seems a distant dream and not a real possibility in the foreseeable future.

The link that still binds some in India and Pakistan of the older generation who lived and worked together before partition, are fast disappearing among the younger generation in both countries. Instead of working for or believing in reunification, the sentiments in Pakistan certainly seem to be not only against it but violently opposed to the concept of a democratic secular India where more Muslims live today than in the whole of Pakistan. Pakistani rulers, military leaders and mullahs consider that the partition was unfinished unless all the Muslim majority areas in India became united with Islamic Pakistan. Considering the condition of Mohajirs who migrated from India to Pakistan at the time of Partition, I doubt if any Muslim remaining in India, including Jammu and Kashmir, would want to become part of Pakistan. At the same time the separation of J&K State from the rest of India is also not possible. It is unacceptable and dangerous. It would lead to secession of other parts of India and further dismemberment of Pakistan itself where ethnic, religious and linguistic divisions already exist. No Government worth its salt can accept any integral part of India separating from the rest of India. Pakistan has to realise, understand and appreciate this otherwise the present suspicion and possibility of conflict will continue to exist.

Having said this, it must be admitted that the Indian Central Government has also made several mistakes in dealing with Kashmir, as in some other States of India. Parliamentary democracy is a good idea but in order to build vote banks, parties and their leaders are apt to give the highest priority to building their own vote banks in various States at the cost of larger national interests. This is what happened in Kashmir, specially after the passing away of Sheikh Abdullah with whom Indira Gandhi had entered into an Accord. The ruling party at the Centre and in the State thought they could form a government on their own but failed miserably at the hustings. The removal of Dr. Farukh Abdullah was doubtful constitutionally and the subsequent coalition of the Congress and Ghulam Mohd. Shah proved to be the worst in J&K history. It promoted rampant bribery, corruption, nepotism and encouraged anti-national and pro-Pakistani elements in order to buy peace. The Central Government (both Congress and the Janata) failed to see the writings on the wall and became a partner in the rape of democracy and free elections in J&K. It also failed to supervise and ensure that the huge sums of money that were allotted to the State for development for the benefit of the poorer sections of the society did not go to them but lined the pockets of politicians, their favourites and bureaucrats. No wonder that the people were disillusioned with the image of secular and democratic India and fell an easy prey to the fanatical and fundamentalist Islamic propaganda of the Mullahs as well as the terrorists trained and armed by Pakistan.

This situation deteriorated from 1989 onwards and resulted in the strengthening of the anti-national and communal forces in the State. Their appeasement by releasing some of the top terrorists in exchange for the release of the then Home Minister Mufti Syed's daughter boosted the morale of the terrorists and they turned against the minorities in J&K, particularly the Pandits and forced them at the point of the gun to leave their hearths and homes. They had to take shelter and seek refuge in the hot and dusty plains of Udhampur, Negrota, Jammu and elsewhere in India. Their plight in these so-called camps cannot be described in words. They are living in sub-human conditions in tattered tents and leaking tenaments without adequate facilities for secruity, water, health, hygiene, food, medical treatment, education, employment or self-employment. The Central Government is responsible for their plight and the State Government has not paid sufficient attention to it either. Even their subsistence allowance for a family of four or more, is a miserable sum of Rs. 1,000 which is not enough to provide even the basic minimum facilities for a single person.

A secular democracy must ensure the fundamental rights of all, specially the minorities, not only in India as a whole but in every State of India and in every district, Tehsil and village of India.

What is the solution? First and foremost, unless the back of the terrorists is bent or broken and the pipeline from across the border is sealed, these terrorists will not stop the power of the gun which has gone to their head. In 1965 and 1971 the Central Government had warned Pakistan that any aggression or infiltration in India's State of Jammu & Kashmir would be treated as an aggression against India and India would have the right to strike at any place of its choice not only in POK but inside Pakistan. It is regretable that no such warning has been given privately or publicly, directly or through Pakistan's friends and allies so far. Unless Pakistan understands that their blatant violation of the Shimla Agreement which enjoins respect by both sides for the Line of Actual Control and not to use force to upset it, cannot be tolerated any more and if they persist in it, India will be compelled to exercise the right of hot pursuit and demolish the training camps and bases both in POK and inside Pakistan.

I am not a hawk and do not believe in war but I am not afraid either of China or America or Pakistan using conventional or nuclear weapons against India. So far as nuclear weapons are concerned, they cannot be used by any country for that would lead to retaliation. Besides, the nuclear fall-out does not respect territorial and ideological barriers and goes where the wind takes it. Every sovereign country has a right to develop nuclear technology for peaceful purposes. But no country should have the right to testing and production of nuclear weapons. India is the only country that possesses nuclear capability and yet had made a unilateral declaration that she will not use this capability for making nuclear weapons. I would challenge all nuclear weapon powers to make a similar declaration and agree to sign an international agreement applicable to all countries banning the testing and production of nuclear weapons and prohibiting their use and liquidating the nuclear arsenals present in the world today under adequate international inspection, control and safegurds.

The NPT and the gimmick of nuclear free zone is a myth, a fraud, a deception. It aims at retaining the monopoly of nuclear weapon powers to have nuclear technology while prohibiting the use of such technology even for peaceful purposes by the nuclear non-weapon powers. So far as India and Pakistan are concerned they could extend the agreement signed by Rajiv Gandhi and Benazir Bhutto in 1988 prohibiting attacks on nuclear establishments in both countries, by foregoing the right of first strike. China and Russia have already done so and it is hoped that America will also follow suit.

However, the only solution to the threat of a nuclear war is to have an international agreement for total nuclear disarmament, as Rajiv Gandhi had proposed in the U.N. in a plan that would bring this about by 2010 A.D. Now that the cold war has ended—or so it is claimed—there is even more reason to have such an agreement by 2000 A.D. Instead of concentrating on this, it is surprising that America and other nuclear weapon powers should put pressure on India and Pakistan to agree to a nuclear weapon free zone for South Asia only. What is needed is a nuclear weapon free zone for the whole world and specially wherever the nuclear weapon powers can reach through their missiles, rockets and means of delivery.

It is time India and Pakistan continue their free, frank and friendly dialogue on ways and means to resolve their bilateral differences bilaterally, peacefully and without outside intervention as was envisaged in the Shimla Agreement. Outside intervention by any other power or, even by the U.N., has made the solution of such problems not easier but more difficult. By internationalising the Kashmir question and seeking support from the Islamic countries, America and the West, Pakistan is making the solution of Kashmir more difficult.

Another disappointing feature is the allegation that India is violating human rights in J&K State. India's record in J&K and elsewhere is second to none in respect of Human Rights. But when there is an insurgency, Government has to use force and sometimes innocent people are caught in the cross-fire between security forces and insurgents. If any member of the security forces is involved in using excessive power or misusing the authority given to it, he must be punished as India has done in over 200 cases. It is the terrorists in Kashmir supported by Pakistan's State terrorism that is mainly responsible for the violation of Human Rights in J&K. Why does not the world condemn this state terrorism of Pakistan and accuse the terrorists of violating the Human Rights and killing, maiming, raping and indulging in loot and arson? It is a good thing that India has adopted a policy of transparency by inviting outsiders as well as the media to visit Kashmir and see things for themselves. It would be also useful to have some selected media persons accomany the security forces when they go on search operations of the hide-outs of the militants if the media persons are willing to take the risk.

Some experts on Kashmir believe that a political process should be started in order to resolve the Kashmir question. There is certainly no harm in conducting a dialogue with all citizens of India, including terrorists, provided they agree to give up violence and discuss matters within the framework of the Indian Constitution. If as a result of the discussions some amendments of the Constitution are called for in order to meet the different viewpoints that could also be considered but the unity and integrity of India has to be maintained at all costs and there can be no compromise on that. This must be made clear both to the militants as well as those supporting them. In any political process that is undertaken, it must be ensured that the minorities in J&K like Pandits, Sikhs, Buddhists, Shias, Gujjars and Bakarwals must be allowed adequate representation and their fundamental rights and security must be honoured. There can be no free and fair election in the State unless normalcy is restored and people are no longer afraid to come out and speak and vote freely. It is, therefore, necessary that the minorities numbering over one million, mainly Pandits and some Sikhs and even some Muslims, Buddhists, Shias, Gujjars and Bakarwals, must be able to return to their hearths and homes in safety and dignity without fear of the terrorists. For this it may be necessary to create village and mohalla defence societies of the people. supervise trained and guided by the security forces so that the experiences of 1989 to 1994 are not repeated.

I do not wish to go into the details of the constitutional amendments that may be required because that will depend on many factors. Article 370 of the Constitution, for instance, which was embodied to preserve and safeguard the rights of the Kashmiri people, specially the poor agriculturists and workers, has been abused and misused by the politicians, landlords, businessmen, bureaucrats and others to buy agricultural land at low prices as non-Kashmiris were not allowed to buy. This provision will have to be suitably modified so that any benefit goes first and foremost to the poor farmers, agriculturists and others who need it and not to the richer people.

Finally we have to mobilise public opinion in J&K as well as the rest of India in order to make it clear to the terrorists, to Pakistan and the whole world that India's integrity and sovereignty cannot be bargained away by any democratic Government of India. We must also ensure that the rights of minorities in Kashmir are adequately safeguarded by explicit provision in the Constitution and special representation in the legislature and the executive. India is one and shall remain one. India is a part of the world but a very important part because of its history, culture and its freedom struggle. A strong, stable, democratic and secular India will add to the peace and stability of the whole region and of Asia and the World. We wish the people of Pakistan peace and prosperity. They are entitled to choose their own form of government and so are we. We must neither of us try to impose our own model on the other. If Pakistan wants to remain an Islamic State she may do so but she cannot force India to give up her democracy and secularism and become a Hindu State. There is a complete unanimity on this in India recently as evidenced by the unanimous resolution of our

Parliament and the various political parities on this question. Pakistan, in particular, and the world in general must respect it.

I hope that Mr. Chitkara's provoking and stimulating book will be read widely as it deserves to create greater and better awareness of the real issues involved in Kashmir.

(T.N. Kaul)

Justice
V. R. Krishna Iyer
Former Judge, Supreme Court

5th July, 1994

Some Reflections

I am happy to know that M.G. Chitkara, Vice Chairman, H.P. Administrative Tribunal, Shimla has written a book on "Kashmir Imbroglio : Diagnosis and Remedy." I have not had the benefit of reading the book in extenso but having gone through it in a synoptic form I consider the work useful in making the thinking Indians reflect over the fundamentals involved in the Kashmir problem which has been plaguing Indian and Pakistani politics and relations for so long. The advantage of Chitkara's study is that he goes into the very fundamentals of the Two Nation theory and also the history of Kashmir with special reference to certain epic events. He analyses the implications of the Accession and the consequences to secular democracy if Kashmir is permitted to slip out of Secular India out of theological pressures. That would be a blow to the concept of secularism which is basic feature of the Constitution which has created the Republic of India. His plea, therefore, is not born of fundamentalist frenzy but basic policy.

Of course, the author goes into China-India relations, the Tibet factor and incidentally, the U.S. attitude to India and Pakistan. There are interesting reflections, not so important for the prinicpal thesis of the Book, about nuclearisation of India and the neighbouring countries.

There is a lovely reference to Gandhiji's observations on the vivisection of Kashmir and a powerful plea for transparency about the facts and figures surrounding the Kashmir imbroglio. People must know what the actual course of developments have been over the decades, what quantum of casualties has been claimed and what enormous drain of resources misdirectedly spent have been for keeping Kashmir coercively. He is right in criticising the curtain of secrecy—I would call it the iron curtain—that had been imposed in the past and even now continues in some measure regarding the Kashmir issue and the happenings in the territory and the people inhabiting that territory. Of course, the author demands Kashmir to be with India for ever. Here, the people's voice must also be heard. He advocates grass-roots democracy for the people. Had we prevented the Mughals from Delhi to play politics with democracy in Kashmir and allowed the people participatively to develop the State with a measure of autonomy, the hold of secularism among the Kashmiris would have been stronger. It must be said that to a large extent Delhi played false with Kashmir democracy and took infantile steps even in the matter of restoring the political process. Truth compels me to state that free and fair elections have been alien to the people of Kashmir and this alienation has claimed a heavy price from the Indian Republic to-day. The military might and war-like tactics of either Pakistan or India cannot win the hearts of the people. Militarism and militancy, with violence and bigotry, cannot integrate a people. The only solution is the active faith in the people's power and a revival of grass-roots politics at the people's level making them aware of their real interest, the futility of reckless killings and the advantages of being with the Indian Republic. The Kashmiris, regardless of religious obduracy or division must exercise their judgment. Pakistan, throughout its history, has not had effective political democracy in its intrinsic form and finer shape. India too has its shortcomings in the field of political and economic democracy but any objective observer will agree that the initial Accession of Kashmir cannot be undone by rousing communal frenzy. On the other hand, maturity and wisdom and a measure of statesmanship must be nurtured from among the Kashmiris so that the people themselves may realise how it is to the good and democratic salvation of the masses to cast their lot with the Secular Socialist Republic of India. The Credentials of India in the matter of secularism and socialism must be clean and not dubious and here I have my own doubts about the authenticity of Indian leadership. In any view, the solution lies not in guns and rockets and secret insurrections but in clean politics and convincing secular socialist democracy which embraces the autonomy and development destiny of our Kashmiri brothers and sisters. Chauvinism and power-grab politics, however, draped in seductive diction, cannot win people's hearts in the long run.

Sd/-
(V.R. KRISHNA IYER)

Justice P.C. Balakrishna Menon
Retired Chief Justice
High Court of Himachal Pradesh

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An Appreciation

I have perused the book "Kashmir Imbroglio : Diganosis and Remedy" by Shri M.G Chitkara who has earlier authored three other books of which I wrote a foreword for the first titled "The Law and the Poor". It is a matter of gratification to find that all these books by Shri Chitkara were well received by the public and particularly by the legal fraternity

A lot of research and study have gone into the making of this present book as in the case of the earlier works by the author. The Indian sub-continent during the period of the British rule comprised of provinces directly governed by the British administrators and princely States of varying dimensions owing allegiance to the British crown and with limited powers of administration under the supervision of the Government of India. The British Parliament passed the Indian Independence Act and it received the Royal assent on 18th July, 1947. That act created two independent dominions of India and Pakistan and provided that the powers of the legislature of the Dominion were for the purpose of making provision for the Constitution of the Dominion to be exercisable in the first instance by the Constituent assembly for that dominion. The Act provided for accession by the princely States to either of the dominions India or Pakistan, on divestiture of His Majesty Government in the United Kingdom of responsbility for the governance of the territories, which immediately before 15th August, 1947 were included in British India. Thus the supremacy of the British Government over the princely States devolved on the dominion to which the State had chosen to accede. The ruler of the State of Jammu and Kashmir signed the instrument of accession to India on 26th October, 1947, and the accession was duly accepted by the Governor General, Lord Mountbatten. It is a matter of subsequent history how these States were integrated into the Republic of India. Thus on law and fact, the State of Jammu and Kashmir is an integral part of the Republic of India, and Pakistan has no right to hold on to that part of the territory of the State in its forceful and illegal occupation. Pakistan's claim based entirely on its religious outfit is untenable and can never be accepted by India, which under its Constitution is a secular republic, where all citizens irrespective of religion, caste, creed or sex enjoy equal rights. These and other aspects of the Kashmir problem created by Pakistan are succinctly dealt with in this book and it will be of great use to have a clear perception of our stand as against the expansionist intentions of Pakistan.

Sd/-
(P.C. Balakrishna Menon)

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Solution to Kashmir Problem

Man has to face many problems in his life. Some of the problems are the creations of God and nature. Some are generated by time. But some are created by man himself. One such problem the people of India face today is the problem of Kashmir. It is the creation of Indian leaders who were at the helm of affairs at one time or the other. It was born out of their pride and prejudice.

Another reason for its birth and perpetuation is greed of the then leaders to earn false applause from world leaders for their so-called liberalism and lust for pseudo-secularism.

The State of Jammu and Kashmir acceded to the Union of India like many provinces and princely States of the country. J & K should have been treated like all such states and it should have been one of the States of the country with equal rights and status. But this was not done and J & K was given a special status just because it was, unlike other States of the country, a Muslim majority State. This initial blunder unleashed a succession of blunders which went on complicating the problem beyond solution. The people of the country are today suffering for their follies.

What was done in the name of secularism was in itself a negation of secularism because the true concept of secularism demanded that no distinction should be made between a Hindu-majority and a Muslims-majority State. But this was done only to appease Muslims and complicate the problem.

Another blunder was the order of ceasefire to Indian forces advancing to push away the aggressor from the Indian soil in Kashmir where Pakistan had no *locus standi*. As a result the aggressor was allowed to retain the fruits of aggression, to create the problems for India and to have the courage to launch the diplomatic offensive against India.

The next blunder was the acceptance of the principle of plebiscite in Kashmir. The United Nations has enforced this principle nowhere in the world and no other country except India has accepted this principle. But India is being harassed and humiliated in international forums for this initial acceptance by India.

The J & K was allowed to have its own Constitution and Article 370 was inserted in the Indian Constitution. When J & K is part and parcel of India, why this provision?

Before Independence and partition of the Country J & K was part of the Dominion of India under the British, who allowed every State the freedom to opt to merge with India or Pakistan. J & K opted for India. Sikkim was never a part of India before Independence and even afterwards. It became so only when the people of Sikkim chose to be part of India. Yet Sikkim was merged with India as one of the Indian States with no special status.

When Pakistan launched aggression against India in 1965 and then again in 1971, India captured vast Pakistani territory and also a part of the Kashmir territory which was under Pakistan's illegal occupation. The bilateral talks which followed both these wars should have hammered out a lasting solution to Kashmir. India never wants to retain the fruits of war but she should have retained those areas of Pakistan-occupied Kashmir which had been captured in War thrust by Pakistan on India. If those parts of Kashmir legally belong to India why should India have withdrawn at all? The present rulers owe an explanation to the people. This double standard has put India in an embarrassment.

Kashmir is the main bone of contention between India and Pakistan and all other problems are the outcome of this unresolved conflict. At the time of Shimla agreement in 1972 this contentious issue should have been given over-riding priority to solving it. The other issues like repatriation of 90,000 prisoners of war and withdrawal by both countries to recognised international borders was secondary. If Indian leaders had then demonstrated negotiating acumen and diplomatic skill, that was the time India could achieve lasting peace with Pakistan by forcing Pakistan to come to terms on Kashmir before the secondary issues were discussed and settled. India lost a rare opportunity to solve Kashmir issue once for all, thanks only to the then leadership.

Even today India has no set Kashmir policy. It is a succession of adhoc decision taken by the ruling party at the Centre less in national interest and more in factional party interest. Unfortunately, the Centre has so far failed to evolve a national consensus on Kashmir by holding an all party meeting and by consulting all shades of opinion.

Terrorism surfaced in the Kashmir valley culminating in making three lakh Hindus to flee from their home-land and suffer as refugees in their own country. Militancy continues today unabated and has now even spread to Jammu Valley only because of the weakened policy of the government. It lacks the will to face reality and take every step in the national interest whatever the political cost.

The solution to Kashmir issue lies in undoing the blunders of the past. Article 370 should be abrogated. International borders should be sealed. Policy of appeasement and promotion of pseudo secularism should be stopped. Terrorism should be curbed with an iron hand. In Punjab the government allowed terrorism to hold sway for a decade. But when it gathered the political will to brook no nonsense by terrorists holding Punjab to ransom it succeeded in ushering in peace to a great extent. The government's policy of prevarication for over a decade cost the State and the country very heavily. 16-17 thousand innocent people lost their lives. Thousands of women were turned widows and children orphans. Loss of hundreds of crores in business and industry and halt to developmental activity was in addition.

Let us take a lesson from Punjab. We have already wasted about five years and lost thousand of innocent lives. Terrorism must be wiped out of Kashmir at all costs.

Prime Minister P.V. Narasimha Rao has declared in his 1994 Independance day address to the nation that what remains to be done in Kashmir is the vacation by Pakistan of 2/3rd part of Kashmir in its possession. Let the Prime Minister display the same boldness in action which he has exhibited in words.

T.S. Negi

Former Speaker
Himachal Vidhan Sabha

Contribution

The book deals with Kashmir as before and now. The earlier part need not be stretched back except, may be, for academic interest, much beyond the advent of Independence. The Present part will range from the birth of Independece to date.

The merger of the princely State of Jammu & Kashmir was unquestionably sound logically, legally and constitutionally. Politically, it is argued by the critics that the Ruler was a Hindu but subjects (in the Valley) are predominantly Muslim and that they were not consulted. None can claim better right to speak for the Muslim section than the late Sheikh Abdullah Sahib of revered memory and he deemed it in the interest of the entire State, to consent to merger by actually functioning as, first, the Prime Minister, later Chief Minister of that State within and under the Constitution of India. The stark truth of the whole matter is that all went well till outsiders, neighbouring as well as distant, poked their nose for ulterior anti-Indian objectives and thereby hangs the whole tale of the "Now" of Jammu & Kashmir, especially the Valley.

Three factors protrude from the recent history. First armed attacks and internal turmoil sponsored, incited, abetted and always financed by the enemies of India. Secondly mistakes, at times clear bungling by the State Governments, the blame being shared by the Central Government, thus emboldening the trouble makers and alienating the local populance.

Thirdly, the pathetic plight of the people sandwiched between the terrorists on one side and the State and Central Governments and their forces on the other. The latest tragedies cannot be better reflected than by the newspaper accounts of present times. For example I am referring to two articles, namely, the one appearing in the Indian Express of April 7, 1994 under the title "VICTIMS OF MILITANTS LUST" and that in the same paper of April 11,1994 under the heading "A CITY WITH A CLEFT HEART". Both are reproduced in full, courtesy the newspaper.

"VICTIMS OF MILITANTS' LUST", Farida stares vacantly at the roof of the gynaecology ward of the Lal Ded Government Hospital as passersby talk in hushed tones about her. She was dumped by her captors who molested her for six months in an advanced stage of pregnancy last week.

Frida, the 18 year old peasant girl from a Kupwara village was kidnapped from the chest disease hospital here by Kashmiri militants who had made the hospital their hideout six months ago. She was constantly raped for six months in different militant hideouts. Finally when she was six months pregnant, the militants dropped her at the hospital gate in an autorickshaw and directed the local police officials to get her foetus aborted.

Six damsels from Mandura and Chararhad villages in South Kashmir had disappeared one fine morning in October. Four of them returned pregnant after two months. Two are still untraced.

The victimised women revealed how they had been lured to a militant hideout in jungles of Shikargah and Seerigafara for the pleasure of Afghan mercenaries. Distraught parents sought justice from the militant leaders concerned who in turn directed a local veterinary doctor at Tral to abort the foetuses.

The doctor pleaded his helplessness for want of expertise and equipment and a local chemist, who happened to be with him that time, sided with him. The said chemist was found dead after a few days. The four pregnant women were left to fend for themselves against the pain and social stigma.

The incident, sources say, is the proverbial tip of the iceberg of a major racket of exploitation of women by militants with the help of their female peers in Kashmir's remote areas. 'Certain women activists, feigning association with some reformist groups act as pimps' said Mr. Ashok Sethi, a senior BSF spokesman. They lure the girls from poor families, motivate them to join militancy and finally send them to militant hideouts.

A few spine-chilling incidents narrated by residents to this correspondent in Fulwama and Tral are as follows:—

'A 12 year Gujjar girl of Sear village was raped by a militant of Hizbul Mujahideen. Doctors surgically removed the foetus since abortion at such a tender age was quite risky. Gulshana of Pinglish village also got her six-month pregnancy terminated through a major surgery at a cost of Rs. 2000. She was raped by Ghulam Mohammad Lone, an overground Hizbul Mujahideen militant. The militants promised to pay Rs. 2000 to her as compensation and never fulfilled the promise.

In certain cases the erring militants were punished by their respective organisations under public pressure. Yasin, a local teacher of Lurgm village, was expelled from the Hizbul Mujahideen after he was found guilty of raping a young girl.

The same group shot at a militant in his arm in Kutchmukla village to punish him for raping a girl named Bega. Another militant identified as Mukhtar Lone was found dead under mysterious circumstances after a boycott of militants for raping another girl.

Daisy of Pinglish was kidnapped by a Hizbullah militant, Ghulam Nabi Wani, as she happend to be the sister of a woman constable. The Gujjar girl was released after eight nightmarish days of captivity by Hizbul Mujanideen on her parents' request.

Zarina's younger sister joined the police to take revenge for her sister's rape by a militant in Brenpather village. The BSF authorities at Pulwama and Tral said a large number of girls from Hafu, Saimu, Ardumir and Mandura villages were missing. Some of them were sent to the Batnoor jungles, where the mercenaries usually live. Even a couple of Hindu and Sikh girls have also been trapped in the net, according to Mr. D. Koushal Commandant of the local BSF battalion.

In another shocking incident, a Sikh reportedly chopped of his sister's head at Mattan in Anantnag district when she was eloping with a local militant last summer, according to a relative of the family.

Many rape victims, who have become pregnant and lead a miserable life, can hardly afford to meet the demand of exorbitant fees for abortions. Though doctors at government hospitals refuse to carry out abortions under militant threats, they do so privately and fleece the poor women.'

Official sources have recorded an unprecedented rise in the number of abortions in private hospitals at Jammu and Udhampur. The doctors charge Rs. 2000 to Rs. 6000 per abortion.

The government's lack of policy to help such victims has deterred many from seeking help from the authorities. The case of Afroza of Basantbagh, Srinagar, is an example. The 15 year old was kidnapped by militants and raped for eight months in various hideouts. Finally she ran away and sought shelter in a BSF bunker in Srinagar. Afroza was insturmental in the arrests of top militants, who had made her life miserable. Finally she was kept in custody of women's police who allegedly beat her for being a "mukhbir". She ran away to the BSF personnel. Since the State Government could not make arrangements for her rehabilitation and the BSF had no arrangements to keep women inmates with them, she was sent back to her parents.

The daring young girl was shot dead within a few days. Sources disclosed that Afroza's parents had been forced to hand over their "mukhbir" daughter to the militants who shot her dead.

The Governor, Gen K.V. Krishan Rao, had announced the reopening of a nariniketan kendra for such victims in Srinagar. The proposal is yet to take shape.

BSF sources said at least 15 rape victims had sought shelter with them in Srinagar alone."

April 11, 1994 "A CITY WITH A CLEFT HEART

It is a tale of two empires in this capital city of Jammu and Kashmir.

One empire is on the Gupkar road, boulevard of Dal Lake and the Shankaracharya Hill, everlooking the entire city. It is a high security zone. Former Chief Minister Farooq Abdullah lives here along with his family. The Border Security Force has set up its interrogation centres in this area. There are no shops here.

The other is the main city itself. It throbs with life during day-time. A part of it is dominated by young Mirwaiz Umar Farooq, chief of Hurriyat Conference, a conglomeration of traditional opposition parties of the Valley, and his senior colleagues Abdul Ghani, Peer Hafeezullah Makhdoomi and Qaazi Abdullah who camp in different corners. Detained People's Conference Leader Abdul Ghani Lone has a house in Rawalpora locality.

There is no communication between the two empires as yet. None can dare enter each other's territory by adopting aggressive postures.

The distrust that prevails between the two is evident from the utterances of their respective leaders. Says Mohammad Syed Akhun, zonal president of the National Conference who has a house next to Farooq's 'Those wielding the gun should give it up and put their viewpoint across by facing us at the hustings.'

Such suggestions are poohpoohed by Hurriyat leaders. Peer Hafeezullah Makhdoomi retorts, while sitting in his old house in Nawakadal, on the bank of the Jhelums : 'Elections, what elections? Is it not true that oppressive and suppressive measures were adopted in the past to crush popular sentiments? He is angry that Farooq was brought to power in 1987 by hook and by crook. 'We did prevail upon the youth to contest elections then. But look at the oppression they had to face.'

National Conference flags are visible only in house guarded by tight security.

It is to the high-security areas that union ministers pay their visits. The media coverage they get is not consistent with the local response. The reasons for this is that they have media men accompanying them the moment they leave New Delhi. Local newspapers confine their coverage of these visits to whatever is put out by news agencies and tuck it in some corner. They mainly concentrate on "local" heroes, or whenever, there is an an interesting bit about differences between Home Minister S.B. Chavan and Minister of State for Home (Interal Security) Rajesh Pilot.

Even one-time local hero Farooq Abdullah's presence is hardly noticed. A Ghulam Nabi Azad, too, may find no mention despite the fact that he studied here.

In fact it is very difficult to hire a vehicle to go to the security areas. Taxi drivers are scared. And if a minister or a National Conference leader chooses to address a Press conference late in the evening, there is every chance that he would end up speaking only to those media men who accompany him and do not belong to this place."

One cannot but be painfully and deeply moved by all this, particularly by what happened to Afroza.

The female police who is reported to have beaten her for giving information against the terrorists, was the supposedly and expectedly protective, loyal and patriotic police of the State Government/Government of India. Have they been punished for this treachery? The parents were inhuman enough to turn their own child over to the oppression of the rapists, who, as might well have been expected, shot her dead. Why did the parents have to act so shamelessly?

One wonders why this meaningless talk of a political negotiation with the terrorists keeps cropping up in the face of a vowed and categorical demand of theirs for independence from India. The very genesis of terrorism was born across the border. Seal the border in a fool-proof effectiveness. Then deal with them as Sardar K.P.S. Gill did in Punjab.

Treat the local populance really well as Shri Jagmohan is said to have done. Meet the genuine political aspirations of the public within the constitution. And be FIRM. That to many and many would appear to be the solution once for all. Side by side the diplomatic and Fourth Estate channels should be turned to the maximum possible advantage of the Indian approach and stand.

The scene is likely to change fast after today the June 21,1994 when I am dictating this.

TIBET

In this book Shri Chitkara has touched upon Tibet also.

Tibet has often been called the "Roof of the World". In this age of nuclear and environmental threats that tend to acquire global dimensions, the significance of Tibet to mankind is not merely geographical and academic. Tibet is today a world issue from certain points of views including human rights, racial survival and the very future of world peace.

Like the Chinese alphabet, as it were, Sino-Tibetan relationship is a complicated affair. Courtesy the Tribune, I reproduce below a whole chunck of a very informative article by Shri Sukhant Gupta that appeared in the issue of the paper Tribune dated 19.3.94 under the heading "Tibetans never-ending struggle".

'A recent resolution in the US Congress described Tibet as "illegally occupied by China" and recognised the Dalai Lama as its spiritual head. It said "May 23 is the anniversary of the signing of the 1951 surrender documents" which the Dalai Lama and his government had repudiated when they fled into exile (to Dharamsala, India). It adds that the document had been signed under duress and the official Tibetan government seal was forged by the Chinese. It reminds Beijing that Chinese archival documents and traditional dynastic histories, including those pertaining to Manchu and Mangol rule, never referred to Tibet as an "integral part of China". Besides, several countries including Mangole, Bhutan, Nepal and Czarist Russia, had recognised Tibet as an independent nation or dealt with Tibet, independent of any Chinese government.

The resolution also points out that at the time of the Chinese occupation, Tibet possessed all the attributes of statehood under international law, including a defined territory, population, independent government, and the ability to conduct domestic affairs and independant international relations, as found in 1960 by the International Commission of Jurists.

In the seventh century, the Tibetan King, Srong-tsen Gampo, set up an impressive empire extending from west China to north Burma (Myanmar) and including large parts of Nepal. The King married the daughter of the emperor of China (expecting this as a tribute) and took a second wife from Nepal when he subjugated it. The two queens were Buddhists and converted the King to their faith, and in the years that followed he extended the Buddhist religion throughout Tibet. By the ninth century Tibet was a successful military power.

In the 13th century Tibet became a vassal State of the Mongols under Genghis Khan but later Kublai Khan appointed a favourite priest as Priest-King of Tibet

In the 17th Century when the Great Fifth Dalai Lama visited Peking, Tibetan records claim that he was received as an independent sovereign.

Tibet was overrun by the Chinese Manchu Empire in the 18th century, but the latter's authority was not exerted until the end of the 19th Century. The new boundary between China and Tibet was demarcated by a pillar, erected in 1727 on the Bum La, south-west Batang. Following the overthrow of the Manchu dynasty in 1911, the Chinese garrisons were driven out in 1912. Between 1931 and 1933, China began once more to assert her power, in 1950 reoccupied eastern Tibet and later reoccupied Lhasa, the capital, citing precedence for rule of Tibet since the seventh century A.D. The Panchem Lama was supported by China in opposition to the Dalai Lama who fled the country in 1959 after an unsuccessful revolt. The Pancham Lama owned areas and appointed officials to settle disputes and collect taxes; but this somewhat decentralised, feudal-like system ended in 1959 when the Chinese took complete control of Tibet.

Since 1950, an estimated 1.2 million Tibetans have been killed and many temples monasteries and ancient treasures destroyed by the Chinese. Young Buddhist monks have continued their protests, primarily in the capital, Lhasa. There is a simple reason behind this. Tibetans feel no national identification with China. Many do not know the Chinese language, and they do not have the "Chinese mentality." Even the buttered tea and tsamsa- a flour made from ground barley—the staple diet of Tibetans is conspicuously un-Chinese. The unique Tibetan culture is very different from ethnic Hen Chinese. But China does not see it that way. "Tibet is a part of China and will remain a part of China for good", said one Chinese diplomat while rejecting the comment that Tibet is a "seething cauldron of anti-Chinese sentiment" and the Dalai Lama's recent statement of "an explosive situation there of potential violence". According to this diplomat "the situation in Tibet is stable and the economy has been growing very fast, and a majority of the Tibetan people support the Chinese Government's policies and they want a united China and do want to see its disintegration."

However, even China admits that its rule in Tibet has not been perfect. In 1980, Peking tendered a formal apology to the Tibetan people for the ravages committed on their culture and traditions in the 1960s and 1970s by Maoist guards waging the Cultural Revolution."

Sometime ago an international conference of Parliamentarians held at Delhi commanded much publicity of the resolution passed by it and the speeches made at its forum.

Loud and warm articulation of genuine sympathy for Tibetan freedom is one thing, all welcome and appreciable, but practical politics, especially in the delicate situation obtaining today, is altogether another. The hard ground realities cannot be wished away just that way.

Earlier I contributed an article of my own, which is completely reproduced hereunder:-

"The latest views of His Holiness the Dalai Lama on India and China, from the standpoint of Tibet, have been appearing in the Press. If China held control over Tibet in just the twin spheres of foreign affairs and defence, and left Tibet free and its own master in everything else., His Holiness would regard this as good as "independence" and would rest content. So it seems from the press reports.

India and China, two of the biggest nations of the world cannot ignore each other, being geographically so near each other and holding, as they do, such key international positions. Primarily with possible threats from the then Russia and China in view, the British imperial policy was steadily aimed at fostering the buffer status of Tibet.

With China controlling the foreign policy and defence of a consenting Tibet, India would get indirectly but vitally concerned in most matters with China, even if otherwise directly only with Tibet as its next door neighbour. Therefore there has to be a tripartite treaty, India being the third partner. India's intentions towards China would, of course, even then remain the friendliest, just as would be the case *vis-a-vis* Tibet also; but it is a game which takes two to play.

The last Indo-Tibet-China conference was held in Shimla which place is in Himachal Pradesh. The Kinnaur district of Himachal Pradesh, which adjoins Tibet, had age old trade relations with Tibet, sanctified by a historic treaty, centuries ago, between the Government of Tibet and Raja Kehar Singh of the erstwhile Bushaher State which included the present Kinnaur district.

This commercial connection was cut as under over 40 years ago by the Chinese occupation of Tibet. But the tie is reported to have recently been revived by an agreement between India and China. Uttar Pradesh sails in the same boat as far as border trade is concerned, though it lacks the social and religious interests that bind the border villages of Himachal Pradesh and Tibet. Thus important border areas of India share vital interests with Tibet.

Whatever the political nature of the claims of China over Tibet, be it suzerainty or sovereignty, or imperial domination, whatever the strength or weakness of these claims and whether the boundary agreements featured Shipki-la or Nathu-la or the whole Indo-Tibetan border in between, or it was the McMahon Line, the facts remain that, at the Shimla Conference, China participated and so did Tibet, each in its own right and for itself and not as the representative of the other.

Whatever the niceties of interpretation as to whether, as an "autonomous region of the People's Republic of China", Tibet becomes or does not become a "part of China", the hard reality is that Tibet, for India, would be less than a buffer nation, when China decides, and Tibet consents to, any policy or measure relating to the foreign affairs and defence of Tibet.

Even with the warmest and deepest of mutual friendship, India and Tibet will not be one country and Tibet's relations with India will continue to fall into the category of foreign affairs. And the two countries, bound everlastingly to be geographical neighbours, would have innumerable points of mutual contacts.

Dealing with China as the adjacent political entity, or with Tibet directly as the next-door nation, would be one thing, but negotiating matters with that huge country in charge of the foreign affairs and defence, on behalf of itself plus Tibet, or treating matters with Tibet via China, will neither be so simple a proposition.

Having made sure of its own reasonable and just and fair interests, it would behove India to throw all its weight of good offices and international support in favour of what His Holiness demands. However, no time should be lost in at least informal exchanges of views with His Holiness, the solid outcome of which should be pressed by both India and Tibet when the occasion arrives for negotiations with China, before that country is willingly entrusted by Tibet with its foreign affairs and defence matters.

The broad, basic and overall policy aspects should be distinguished from as many secondary matters of detail as China might be persuaded to leave to allow for direct and independent dealing between India and Tibet. China should figure nowhere in this area.

Internal pressures, no less than the external ones, *e.g.*, world opinion, seem to be telling upon China's thinking. His Holiness has gone on record at a recent press conference that he perceives a change in the attitude of China. May be new vistas will open up. We in India should take that futuristic vision in time."

Of the numerous national and regional papers of standing only the leftist "Patriot" published it and I owe this reproduction to the courtesy of this paper, issue of 18.8.1993.

I am sure none in the Government of India or any other circle concerned with Indo-Sino-Tibetan relation took any note of the article, leave alone the subtle nuances therein.

A copy was sent to His Holiness the Dalai Lama. His secretariat did send a courteous acknowledgement promising that the article would be brought to the notice of His Holiness on his return from abroad and that was the end. Later a team said to be representing His Holiness toured through Spiti and Kinnaur, professedly to further the cause of support for Tibetan freedom. A young leader of sortie claimed formal responsibility for conducting the Team through Kinnaur. I gave him a copy of the published article and explained the implications to him and offered a direct personal amplification of the same to the Team. No body paid any heed. Instead, I learnt some of the team felt sore over the omission of the Tibetan from the Indian currency notes and demanded inclusion of Tibetan in the Eighth Schedule of the Indian Contitution.

Kashmir Imbraglio : Diagnosis and Remedy is a timely inspiring work and is likely to prove helpful to all sections of society. Mr. M.G. Chitkara has given the solution Unification of India and Pakistan, to the Kashmir and other problems faced by two countries, is not a remote possibility.

The day Indo-Pakistan amity does come about it will *inter-alia*, be long live my Chitkara. Even if the amity hang in balance Shri Chitkara's voice of advice will ring and ring.

Sd/-
(Thakur Sen Negi)

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Chapter 1

Introduction

The argument between the "One-nation" and "two-nation" theories is really concerned with the problem whether Pakistan has a right to exist at all. To the "One-nation" School Pakistan is an affront and an absurdity. It should never have been allowed to be born alive, and it would be best if it was brought to an end as rapidly as possible. Most "one-nation" men have, in fact, refrained from advocating the destruction of Pakistan, but their philosophy contains a firm challenge to the basis of its very being. In the Kashmir issue the "One-nation" School has seen the test case which, if it will not affect the future continuance of Pakistan as a State, will atleast guarantee that the communal basis of Pakistan does not contribute to that State's further territorial expansion at India's expense.

Alastair Lamb; The Kashmir Problem, (1968) p. 14

Pakistan—a Muslim State emerged from partition of British India on August 14, 1947, in pursuance to the idea of a separate State for Muslims of the sub-continent. The idea was the part of the theory that Muslims, by virtue of their religion-Islam and cultural distinction, constituted a separate nation. Poet-Philosopher Barrister, Dr. Muhammad Iqbal—a Saproo Kashmiri Pandit convert, articulated the concept of Pakistan in its basic form in 1931, when he proposed a separate State comprising Muslim majority areas in north-western India. The all-India Muslim League under the leadership of Muhammad Ali Jinnah adopted the concept in 1940.

The partition of British India into independent India and Pakistan was an extremely complicated process for which the British had made absolutely no preparation. The Kashmir dispute was a direct consequence of the inefficiency with which the process of partition in the Indian sub-continent was prepared and executed. It was a bit of unfinished business arising from partition.[1] Until it was settled, partition could not be said to be complete. Partition, in the form that it finally took in the sub-continent, was an idea which the British brought themselves to accept with some reluctance. Many servants of the British Raj, now in retirement, will still bemoan the tragedy which brought about the destruction of the united sub-continent, that masterwork of the British imperial genius.[2] The Kashmir conflict between India and Pakistan has often been expressed in terms of the conflict between the "One-nation" and "two-nation" theories. Joseph Korbel observed: Kashmir, Indian apologists say, involves the struggle between the 'Medieval' Islamic theocracy of Pakistan and the modern secular State of India.[3] Alastair Lamb, in Kashmir problem, elaborates: The argument between the "One-nation" and "two-nation" theories is really concerned with the problem whether Pakistan has a right to exist at all. To the "One-nation" school Pakistan is an affront and an absurdity. It should never have been allowed to be born alive, and it would be best if it was brought to an end as rapidly as possible. Most "one-nation" men have, in fact, refrained from advocating the destruction of Pakistan, but their philosophy contains a firm challenge to the basis of its very being. In the Kashmir issue the "One-nation" School has seen the last case which, if it will not affect the future continuance of Pakistan as a State, will atleast guarantee that the communal basis of Pakistan does not contribute to the State's further territorial expansion at India's expense.[4]

The two-nation theory was never heard even during the eight hundred years intermittent reign of Muslim kings. But the British ruled India for about two hundred years and scissored the Indian sub-continent.

Undoubtedly, Kashmir problem is the lethal combination of Islamic fundamentalism and Pakistan's political adventurism. Kashmir is an unfinished agenda of partition,[5] and outcome of two-nation theory. The moment myth of two nation theory explodes, the Indo-Pakistan differences will melt in thin air. The two countries will devote themselves to the task of storming the fortress of poverty, and economic backwardness. Ultimately the people may feel and realise that they no longer need two countries and unite.

Pakistan on its creation included an eastern wing comprising mainly the eastern half of Bengal province and parts of Assam. It was proclaimed an Islamic republic on March 23, 1956. Sheikh

Mujibur Rehman proclaimed the People's Republic of Bangladesh on March 26, 1971 and the east-west war ended on December 16, 1971 when a document of surrender was signed in Dacca by Lt. General A.A.K. Niazi, Commander of the Pakistani Army in Bangladesh, and Lt. General J.S. Aurora G.O.C.-in-C, Eastern Command, who accepted the surrender.[6] The prediction of Lord Mountbatten that East Bengal would be out of Pakistan in a quarter of century, came to be true.[7]

Pakistan controls the northern and western parts of the State of Jammu and Kashmir, and area of about 84,160 square km is still a disputed territory.[8] The seat of Government of Azad Kashmir is Muzaffarabad.

Kashmir is noted for its beauties and bounties. It has been for centuries the object of attention of poets, painters and philosophers.[9] Francis Young husband has immortalised its grace and beauty in superb words: "The beautiful Greece, with its purple hills and varied contour, its dancing seas and clear blue sky, produced the graceful Greeks. But Kashmir is more beautiful than Greece. It has the same blue sky and brilliant sun shine, but its purple hills are on a far grander scale, and if had no sea, it has the lake and river and still more impressive snowy mountains.[10] The climate of the valley until the end of May is similar to that of Switzerland. The old men of the valley declare that the climate is changing and they are very positive that there are now no such winters as they remembered as boys. In Maharaja Gulab Singh's time the snow was upto a man's shoulders, in Maharaja Ranbir's time upto the knees but now winter pass without any snowfall.[11] Enclosed by high mountains, the valley presents a picture of a world in itself. Swami Yoganenda in his Autography depicts Kashmir as a paradise land of lotus lakes, floating gardens, gaily canopied house boats, the honey-bridged Jhelum river and flower-strewn pastures all encircled by Himalayas. Kashmir's high mountains, which for the greater part of the year are covered with snow; and all the rest of the valley is a beautiful plain clothed in verdure diversified with groves, orchards, gardens and well-watered by springs and rivers a very pleasant land for those who dwell therein.[12] However, in rigorous winters whole life comes to a standstill. On such occasions the mighty snow-covered mountains confine the starring Kashmiris within rock-bound prison which renders escape difficult and import of food-stuffs impossible. Such conditions of life and environment framed the character, traditions and institutions of Kashmiris.[13]

Lord Birdwood depicts the people of Kashmir valley as the people known as Kashmiris distinct from their co-nationals of district inaccessible areas, a gentle friendly people of little stamina who in trouble bark loudly, but who seldom really bite.[14]

The State of Jammu and Kashmir which had earlier been under Hindu rulers and Muslim Sultans, became part of the Mughal Empire under Akbar; after a period of Afghan rule from 1756, it was annexed to the Sikh kingdom of the Punjab in 1819. In 1846 Maharaja Ranjit Singh made over the territory of Jammu to Maharaja Gulab Singh. After the decisive battle of Sabroon in 1846 Kashmir was also made over to Maharaja Gulab Singh. The State of Jammu and Kashmir came into being as a single political entity in 1846 under what is called "Treaty of Amritsar". The British Government vide the Treaty concluded on May 16, 1846 transferred and made over "for ever, in independent possession, to Maharaja Gulab Singh and the heir male of his body, all the hilly or mountainous country, with its dependencies, situated to the East ward of the river Indus and Westward of the river Ravi.[15] The British supremacy was recognised over in respect of State of Jammu and Kashmir until the Indian Independence Act, 1947. When all the princely States decided on the question of accession to India or Pakistan—there being no third choice provided under the Act, Kashmir through its ruler Maharaja Hari Singh asked for stand still agreements with both India and Pakistan. In the meantime, the State became the subject of an armed attack from Pakistan.

The Pakistani force which crossed into Kashmir on October 22, 1947 comprised of regular troops in disguise. Mahsuds and Afrids from NWFP and others and was led by army officers. The invaders, after an unopposed thrust, accompanied by pillage and murder were about to sieze Srinagar. It was then that the Maharaja of Jammu and Kashmir stopped dithering about the future of the State and signed the instrument of Accession to India.[16] The instrument of accession was executed by Maharaja Hari Singh on October 26, 1947 and acceptance of Accession by the Governor General of India, Lord Mount Batten. In third paragraph of the instrument of accession, the Maharaja writes about his position and epithets as under:-

> Now, therefore, I Shriman Indra Mahendra Rajeshwar Maharajadhiraj Shri Hari Singh Ji, Jammu and Kashmir Naresh *Tatha Tibet adi Deshadipathi,* Ruler of Jammu &

Kashmir State do hereby execute this my instrument of Accession....."

The State of Jammu and Kashmir, as was seen, till the parition of the country was the creation of Dogra rulers, 1846-1947: K.M. Panikkar, in the Founding of the Kashmir State wrote: "The State thus assumed its present Shape. An area consisting of more than 80,000 square miles *including part of Tibet* as well as part of the Pamirs, besides the genuinely Indian Kingdoms of Jammu and Kashmir, came into Gulab Singh's possession. This area had never been effectively united under one ruler before and much of it, with, of course, the exception of valley of Kashmir had never known settled government. The work of consolidation and of Government remained, and this, in view of the diversity of population, interests, climate, and lack of continuity in the past, was by no means an easy task. It is to the great credit of Gulab Singh that to this all-important task he now bent his energies, and though he was already fifty-three when he became the sovereign ruler, his efforts in this direction were crowned with success."[17] During the heyday of Hindu power its territorial limits extended beyond its natural boundaries. It included the hill State of Punch, Rajauri, Bhimbar, Kishtwar, certain districts of Jammu and Hazara. The conquests of Lalitaditya 724-760, extended as far as Central Asia in the north-west and the Punjab in the South. After the death of Jayasimha, 1155, the Hindu sovereignty receded considerably owing to a series of weak rulers and increasing domination of the Turks in Afghanistan and the Punjab.[18] The condition had not much altered when in 1320 the Buddhist Rinchan embraced Islam and proclaimed himself Sultan assuming the title Sadr-ud-din, and laid the foundation of the independent Muslim Kingdom of Kashmir.[19]

Hari Singh, Maharaja of Kashmir in his deed of accession to India, used "Tatha Tibet Adi Deshadhipathi", as an ephithet.[20] In the Seventh Century, the Tibetan king, Srong-tsen Gampo, set up an impressive empire extending from west China to north Burma-Mynmar and including large parts of Nepal. The king married the daughter of the Emperor of China, exacting this as a tribute and took a second wife from Nepal when he subjected it. Both these queens were Buddhists and converted the king to their faith, and in the years that followed he extended the Buddhist religion throughout Tibet. By the ninth century Tibet was a successful and strong military power. In the thirteenth century Tibet became a vassal State of Mongols under Genghis Khan but later Kublai Khan appointed a favourite priest as Priest-King of Tibet.[21]

In the Seventeenth century when the Great Fifth Dalai Lama visited Peking, Tibetan records claim that he was received as an independent sovereign. The Thirteenth Dalai Lama during 1910, took refuge in India because of the mutiny by the Chinese garrison in Lhasa. The Tibetans resisted the Chinese, who had to surrender. Thirteenth Dalai Lama returned to Tibet, during July 1912. The peace talks with Chinese resulted in an agreement dated August 12,1912, which provided for formal surrender and expulsion of all the Chinese troops from Tibet. His Holiness, the Thirteenth Dalai Lama, issued a proclamation on February 13, 1913, that Tibet was an independent country.[22] Tibet had all the attributes of an independent State and had conducted so till the execution of Seventeen Point Agreement executed on May 23, 1951. The Tibetan way of life, their traditions and their culture is deeply influenced by Indian culture.

Since cease-fire, the Pakistan is in forcible occupation of one-third of the State of Jammu and Kasmir, called by it as "Azad Kashmir." Azad Kashmir is, in fact, occupied enslaved Kashmir and is virtually quasi-State in Pakistani held sector of Jammu and Kashmir, in the north-western part of the Indian sub-continent. It is not only protected by but is economically and administratively controlled by Pakistan. It has an area of approximately 1680 square km, according to Britannica Encyclopaedia[23] but the area of occupied Kashmir is about 84,160 sq. km.[24] It consists of an arc-shaped stretch of territory bordering the State of Jammu and Kashmir on the east, the Pakistani States of Punjab on the South and South-West and NWFP on the West; and Gilgit and Baltistan agencies of Pakistan on the North.[25] The population of Azad Kashmir was about 2.8 millions in 1985.[26] One third of the State of Jammu and Kashmir has been usurped by Pakistan and is still under Pakistani occupation.[27] This part of Kashmir had remained most unstable. The economic condition of the people is terrible. The government there changed every two or three months. The administration, in fact, was conducted by Pakistani officials.[28] Rajesh Kadian's solution to Kashmir issue lies in occupation of Azad Kashmir. He asserts that a hypothetical Indian plan should concentrate on capturing the whole of Azad Kashmir. He explains that, as long as the Azad Kashmir Government, *de jure* or Pakistan *de facto* remains in physical occupation of some land in the State of

Kashmir there are in effect two competing governments of Kashmir in the minds of Kashmiri people and much of the world. However, the capture of the Azad Kashmir salient gives India a naturally defensible border along the Kishenganga and the Jhelum rivers.[29] Rajesh Kadian elaborates: The occupation of the Azad Kashmir salient would also allow India to Permanently dominate the 180 mile road and rail link between Lahore and the Rawalpindi-Islamabad region. In addition Pakistan's nuclear facilities at Kahutta and hydro-electric resources of Mangla Dam would be threatened. Under such circumstances Pakistan's future adventurism would be severely restricted.[30] Though India has no plans for such a campaign, some Pakistani military strategicians and thinkers are highly cognisant of such a possibility. Brigadier Abdul Rehman Siddiqui, Retd. asserts : "In a major future flare-up in Kashmir, India need not look southward for a general war but would rather concentrate on Kashmir itself to liquidate the Azad Kashmir 'Salient' and clinch the issue once and for all...Hypothetically India should concentrate all its military resources and power in Kashmir.[31] We must remember that even enemy sometimes teaches a lot. Infact he is a great educator. We must be ready and equipped to learn, and in turn teach the enemy a lesson. Kashmir has been late since sixteenth century to live in misery-down trodden, poverty stricken and backwardness. Inscrutable are the ways of man. History may tell the story, but it cannot unravel the tangled skein of his life. He himself is to avail the opportunity.

Kashmir is in crucible and its future complexion is in the process of being built up. History has confounded the Kashmiris with an unprecedented crisis which also provides them with a rare opportunity. The crisis can end in a disaster or unique triumph depending upon the attitude that is adopted by to meet the situation. Mahatma Gandhi hoped and prayed that Kashmir should become a beacon light of the sub-continent.[32] The nation expects immediate and viable improvement in the Kashmir situation. There is too much murk now in the erstwhile valley of mirth.[33]

The regions of Gilgit and Baltistan in POK, have since been merged by Pakistan into its northern territories and directly administered by the federal government without any representation in the "POK assembly".[34] The Baltistan areas of district Ladakh-Jammu and Kashmir State included sub-divisions of Kharmang, Khalpus, Shardu and Rondu. The entire Baltistan area is now in unauthorised and forcible occupation of Pakistan.[35] Alastair Lamb in his historical survey of Kashmir problem, regarding Ladakh and Baltistan writes: The region of Ladakh and Baltistan is often treated as if it were a single district. In fact, it represents a fusion of two quite separate tracts which the Dogra rulers of Jammu acquired in the first part of the nineteenth century. Baltistan, with its administrative centre at Skardu, is overwhelming Muslim. Ladakh proper, with its capital at Leh, was once a Buddhist kingdom with the closest ethnic, cultural and political ties with Tibet. Its sparse population of 40,000, in 1961 was overwhelmingly Buddhist.[36]

The North-Eastern ranges of mountains, encloses Kashmir from the North and North-East and separates her ethnically and culturally from the surrounding regions of Ladakh, Baltistan and Dardistan, which can be reached after crossing the Zoji-La-Pass and Burzil Pass. The Burzil Pass, Elevation: 10740 ft. connects Kashmir valley with Astore, Chilas and Bunji and farther still with Gilgit, Chitral, Yasin, Punial, Darel, etc. All these States are now held by Pakistan.[37] The route over Zoji-La Pass, Elevation: 11,300 ft. links Kashmir with Ladakh, Baltistan and Tibet, and Central Asian region of Badakhshan, Samarqand, Khutan, Bukhara, Kashghar, etc. Since ancient times this route had been an important thoroughfare and influenced the political history of the country during the fourteenth and fifteenth Centuries. The Buddhist Rinpocha, who proclaimed himself the first Muslim ruler of Kashmir, entered the valley by this route. The route has also been an important commercial highway between Kashmir and Western Tibet.[38]

The most striking feature in the physical aspect of Ladakh is the parallelism of its mountain-ranges, which stretch through the country from South-East to North-West. This general direction of the mountain chains determines the courses of the rivers as well as the boundaries of the natural divisions of the country. The general aspect of Ladakh is extreme barrenness.[39] Seen from above, the country would appear a mere succession of yellow plains and barren mountains capped with snow, and the lakes of Pangkong and Tshomo Riri would seem like bright cases amidst a vast desert of rock and sand. No trace of man nor of human habitations would meet the eye: and even the large spots of cultivated land would be but small specks on the mighty waste of a deserted world. But a closer view would show many fertile tracts along the rivers, covered with luxuriant crops, and many picturesque monasteries, from which the chant of human voices ascends on high in daily prayer and praise.[40] The territory of Ladakh is one of the most elevated regions on the earth. Its different valleys lie along the head-waters of the Indus, the Sutlej, and the Chenab; and the joint effects of elevation and of isolation amidst snowy mountains produce perhaps the most singular climate in the snow world. Burning heat by day is succeeded by piercing cold at night, and everything is parched by the extreme dryness of the air.[41]

The Ladakh region is vast, strategically important but poor. It is situated on the Tibetan-Chinese border and has a small population—about 69,000. The demand for an autonomous structure for the district of Leh was mainly inspired by the regional aspirations for all-round development. In the current atmosphere of terrorism in the rest of the State of Jammu and Kashmir this shining outpost of tranquillity deserves full attention.[42] The Jammu and Kashmir Government and the Centre have agreed in principle to grant autonomy to the Leh area of the Ladakh district. The announcement made by Home Minister S.B. Chavan in the Lok Sabha on 4th March 1994 regarding the Government's decision to set up an autonomous hill council for Leh is welcome. The step will mark the beginning of a new chapter in one of the three parts of the large northern State—Jammu, Kashmir and Ladakh.[43] The provision for autonomous hill council has its roots in the Sixth Schedule of the Constitution which stresses the agricultural and environmental aspects of development, giving a proper opportunity to the people to charter their course of progress. The provision specifically mentions "the allotment occupation or use, or the setting apart of land, other than any land which is a reserved forest, for the purpose of agriculture or grazing..... and likely to promote the interests of the inhabitants of any village or town." The land of lamas, will now have the freedom to form district and regional councils with administrative units in villages to give every citizen a chance to realise his and his neighbourhood's potential.[44]

The process of change began in right earnest in Ladakh in 1974 when the Indian Government threw the area open to tourism, a move that was probably intended to place Ladakh firmly on the map as Indian territory. At about the same time, concerted efforts were initiated to develop the district. To date, development has been concentrated primarily in Leh and its immediate surroundings and roughly 70 per cent of the population still lives more or less traditionally. But the psychological impact of modernization has been felt throughout the entire region.[45] The autonomous council has to take the economic needs of the area into consideration in the light of the cultural values of the district civilisation. There is no need to worry about "the extinction of a way of life." A pro-change climate of opinion is evident in Ladakh. The changes brought about now will have absorbing effect on the rest of the State. The new administrative process must start immediately.[46]

Ladakh, which is nearly six times the size of the Kashmir valley and has an overwhelming Shia presence in Kargil district and are profoundly pro-India, is devoid of any separatist tendency.

Shia religious leaders, including Sheikh Mohammadi had repeatedly been preaching that militants in the valley by their deeds, were going against the tenents of Islam. The people of Kargil have maintained peace and tranquillity despite the turbulence in the valley.[47] Despite resilience of Kargil people against militancy and their repeated, undettered commitment to the Indian State, Kargil ironcially remains neglected. Sheikh Mohammadi asserted, "We have helped our army in the three Indo-Pak wars, resisted against Pakistan-inspired militancy and continue to render help to the army deployed along the Line of Control. We have considered this as our duty being the citizens of the country.[48] Kargil is the capital of district called Puril, and is inhabited by Mohammedans of Shia sect.[49]

In fact, so embittered are the Ladakhis with political economic domination by the Kashmiris that they have urged the Central Government to directly administer the region. Hence the demand for Union Territory status.[50]

Aksaichin has been the part of Ladakh. Even the Chinese Government has now admitted that in 1956 they built a highway from Tibet to Sinkiang running for about a hundred miles through this territory. In September 1957, it was announced that this road had been completed.[51] The Sino-Pak boundary agreement of 1963 seeks to link up Pak-occupied area to that held by China in Aksaichin. The area is vital to Ladakh because the Nurbra takes its origin from the "spout" of Siachen and Shyok from another glacier close by. In the event, Aksai Chin and Siachen are the water life line of Ladakh alongwith the Indus whose tributaries they are.[52]

It was "not correct", as Zhou Enlai claimed in 1960, that Beijing had been in possession of the table land and adjoining areas "for several years" and that the Chinese needed Aksaichin, for providing the "only route" from Yarkand to Gartok in Western Tibet. The fact is that an alternate route from Keriya to Gartok did exist and has already been made use of. In the event, "there seems little justification, even from the Chinese point of view" for the road through Aksai Chin.[53] As to the Beijing's claim on Aksai Chin, these stoutly contested by three redoubtable explorers in this country alone. Young-husband commenting on Fielding's report in 1907; P.Z. Nazaroff, a Russian emigree from Tashkent who travelled along the India-China frontier in 1924. And the eminent German geologist Eriv Trinkler who travelled, 1927-28 and later wrote in 1931 on the "Western-Post" plateaux of Tibet.[54] Alastair Lamb, in historical survey of Kashmir problem claims that while the Aksai Chin was absolutely valueless to India, yet India could not accept Chinese ownership of it without making suitable cartographical acknowledgment. Any change in Indian map would hardly escape the sharp eyes of Pakistani bureaucrats ever on the watch for any signs of an Indian intention to alter the status of Kashmir.[55]

Lamb elaborates : The Indian agreement regarding Aksai Chin could have been interpreted in Pakistan as an Indian cession of Kashmiri territory.[56] India cannot afford to concede any territory of Kashmir either to Pakistan or China. No part of Indian treaty by any stretch of imagination can be said to be of no value to India. Every particle of the Indian land is worth worship for Indians.

An important formulation often missed about Tibet is its access to the world outside is "far easier" from India than through the Aksai Chin road. In the event, border trade between India and Tibet makes much more economic sense than hauling goods and services all the way across the Chinghai-Tibet road that "snakes along" for more than 1400 miles across the world's most impossible terrain.[57]

On Siachen, Sahdev Vohra, in his published work "The Border Dispute with China, makes the point that attempts by Pakistan to attack Indian positions on the glacier were on the old track route from Khapalu along the Saltoro Valley to Sinkiang, which could only benefit the Chinese position in the trans-Karakoram area that acts as a buffer between China and Russia. The British Raj involved Afghanistan to act as a buffer between the Indian empire and

Tsarist/Soviet Russia; China today was attempting to use Pakistan in a similar role."[58]

Siachen glacier is completely under Indian control. Since 1983, the Pakistan and Indian troops are holding positions on the Saltoro ridge, which is west of the Siachen glaciers. Incidently, this is roughly along the high crest dividing the watershed between the Siachen group of glaciers to its east, and Saltoro-Kondus-Bilafond glaciers on its West. This position held by two sides is also in consonance with the accepted international norms for locating frontiers in high mountain regions, and implements in practice the Karachi Agreement signed between India and Pakistan in 1947.[59]

Siachen glacier is one of the world's largest mountain glaciers, lying in the Karakoram Range system of Kashmir near the India-Pakistan border, extending 70 km from north-northwest to south-southeast. It has a number of fast-flowing surface streams and atleast 12 medial moraines. It is the source for the 50 miles long Nubra River, a tributary of the Shyok, which is part of the Indus River system.[60]

Karakoram Range system occupies about 207,000 sq. km. The Karakorams consist of a group of parallel ranges with several spurs and are characterized by craggy peaks, steep slopes, and heavy glaciation. The range forms one of the highest mountain systems in the world, with an average height of about 20,000 feet. The international boundaries of the Soviet Union, China, Pakistan, Afghanistan and India all coverage within the highest mountains of the system. Surrounded by a number of other very high mountains ranges with immense glaciers, the glaciers, the Karakorams are virtually inaccessible. Mountain passes are situated at elevation of about 16,000 feet and are open only for five or six months of the year. The completion of the Karakoram Highway in 1978 improved transportation in the region. Owing to severe natural conditions, the mountain population is very sparse. In the south the inhabitants are concentrated mainly in a few small towns; while on the northern slope Tibetan farmers live in villages at elevations upto 14,800 feet. Most engage in subsistence agriculture and live stock raising. Wild animals of the region include the snow leopard, wild Yak and Tibetan antalope.[61]

Kashmir, undoubtedly, is land of surpassing natural beauty. The Himalayas have many other beautiful valleys and countless other places from which the great snow ranges and peaks can be seen, but none of these have the same combination of mountain and meadow, river and lake, glacier and forest, that are afforded by Kashmir.[62] James P. Ferguson, in Kashmir: An Historical introduction depicts Kashmir, a meeting-place of three great cultures—Hindu, Muslim and Buddhist. The splendid epochs of each of these cultures all have their connection with Kashmir. But the distinctive feature of Kashmir is that these three cultures are not merely stages of past history but are living, co-existent forces. The Kashmiri Pandit is one of the most distinguished representatives of Hinduism today. No one follows the five-fold injunction to prayer more piously than the Muslim of the Valley, while in Ladakh the larger rocks crowned with gompas-Buddhist monastery and prayer wheels; chortens-Buddhist cenotaph and mane walls-prayer wall are evident in every village. In Kashmir one finds a spector of the three great religious systems of Asia, existing side by side and ruling the lives of their followers with unabated, power.[63] Kashmir needs such a revival, and once again its people living in amity and peace.

References and Notes

1. Alastair Lamb, The Kashmir Problem, (1986) pp. 11-12.
2. *Ibid.*, pp. 12-13
3. Joseph Korbel, Danger in Kashmir (1954).
4. Alastair Lamb, The Kashmir Problem, (1968) p. 14.
5. "Some Rights other Wrongs", Indian Express, February 11, 1994, p. 8.
6. The Times of India and New York Times, December 16, 1971. Also see Gulab Mishra "Prabhakar", Indo-Pakistan Relations (1987) p. 360.
7. The Times of India, December 17, 1971. Also see Gulab Mishra "Prabhakar", Indo-Pakistan Relations, (1987) p. 361.
8. Manorma Year Books, (1994) p. 221.
9. Gul Mohd Wani, Kashmir Politics: Problems and Prospects, (1993) p. 11.
10. Francis Young Husband, Kashmir, Edinburg, (1909) p. 161.
11. Gul Mohd Wani, Kashmir Politics: Problems and Prospects (1993) p. 13.
12. Dr. R.K. Parmu, A History of Muslim Rule in Kashmir, 1320-1819, (1969) p. 50.
13. *Ibid.*, p. 52.
14. Lord Birdwood, Two Nations and Kashmir, (1956) p. 13.
15. Treaty of Amritsar, 1846, Article.1.
16. G.M. Telang, "Myths about Kashmir", Indian Express, October 27, 1993.
17. K.M. Panikkar, The Founding of the Kashmir State, first published 1930, under the "Gulab Singh", (Second) Impression (1953) pp. 124-125.

18. Dr. R.K. Parmu, A History of Muslim Rule in Kashmir, 1320-1819, (1969) p. 389.
19. *Ibid.*
20. See Accession Agreement dated October 26, 1947.
21. Sukant Gupta, "Tibetan's never-ending Struggle", The Tribune, March 19, 1994, p. 8.
22. Tibet: Proving Truth from Facts, (April 1993) p. 17.
23. The New Encyclopaedia Britannica, Vol. I, Micropaedia, Chicago, (1992) p. 753.
24. Manorma Year Book, (1992) p. 192.
25. The New Encyclopaedia Britannica, Vol. I, Micropaedia, Chicago, (1992) p. 753.
26. Manorma Year Book, (1992) p. 192.
27. *Ibid.*
28. Bakshi Ghulam Muhammad, "Kashmir and the Plebiscite", The Modern Review, (May 1954) p. 347.
29. Rajesh Kadain, The Kashmir Tangle: Issues and Options, (1992) pp. 166-167.
30. *Ibid.*, p. 167.
31. *Ibid.*, p. 169.
32. Prem Bath Bazaz, Kashmir in crucible, (1967).
33. "Testing Time in Kashmir", The Tribune, February 1, 1994, p. 8.
34. Ramesh Khazanchi., "Follies of Plebiscite in Kashmir", The Times of India, March 9, 1994, p. 12.
35. Dinanath Raina, Unhappy Kashmir, (1990) p. 4.
36. Alastair Lamb, The Kashmir Problem: A Historical Survey, (1968) p. 19.
37. Dr. R. K. Parmu, A History of Muslim Rule in Kashmir, 1320-1819, (1969) p. 44.
38. *Ibid.*, pp. 44-45.
39. Alexander Cunningham, Ladakh Physical, Statistical and Historical (1970) p. 16.
40. *Ibid.*
41. *Ibid.*, p. 17.
42. "Right Step in Ladakh", The Tribune dated March 8, 1994, p. 8.
43. *Ibid.*
44. *Ibid.*
45. Helena Norberg-Hodge, "Ancient Futures: Learning from Ladakh", Sierra Club Books, (1991).
46. "Right step in Ladakh", The Tribune dated March 8, 1994, p. 8.
47. Dinesh Kumar, "Kargil Fatwas against militancy", The Times of India, January 31, 1994, p. 7.
48. *Ibid.*
49. C.E. Tyndale Biscoe, Kashmir in Sunlight and Shade, (1971) p. 203.
50. Ramesh Khazanchi, "Follies of Plebiscite In Kashmir", The Times of India, March 9, 1994, p. 12.

51. The Chinese Threat, Publications Division, Ministry of Information and Broadcasting, Govt. of India, (1963) p. 47.
52. Sahdev Vohra, The Border Dispute with China, (1994).
53. Parshotam Mehra, "Well drawn border study with China", The Sunday Tribune, March 13, 1994, p. 8.
54. *Ibid.*
55. Alastair Lamb, The Kashmir Problem: A Historical Survey. (1968) p. 96.
56. *Ibid.*
57. Parshotam Mehra, "Well drawn border study with China", The Sunday Tribune, March 13, 1994, p. 8.
58. *Ibid.*
59. Jasjit Singh, "Defusing Siachen: Clear definition of Line of Control is crucial", Indian Express, December 27,1993, p. 6.
60. New Encyclopaedia, Britannica, Vol. 10, Micropaedia, Chicago, (1992) p. 774.
61. The New Encyclopaedia Britannica, Vol. 6, Micropaedia, Chicago, (1992) p. 738.
62. James P. Ferguson, Kashmir: An Historical Introduction, (1961) p. 9.
63. *Ibid.*, p. 10.

Chapter 2

Hazratbal : Moe-e-Muqaddas

> ***Initially people questioned the authenticity of the recovered relic, which reappeared as mysteriously as it had disappeared. The Moe-e-Muqaddas had travelled all the way from Medina to Kashmir valley via Bijapur, Delhi and Lahore to rest at this particular place which had come to be known as Hazratbal. Even Aurangzeb had failed to interrupt its passage to this place and all the previous attempts to displace it from there had failed and it had come back to its place of rest. So did the Moe-e-Muqaddas on this occasion also; "we who worked for the cause were only the puppets in the game. Glory to the Moe-e-Muqaddas"***
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> ***B.N. Mullick, My Years with Nehru: Kashmir, (1971) p. 166.***

Hazartbal with its exquisite location on the west bank of the Dal Lake, the dargah is a graceful structure in white Marble. A fascinating dome balanced by a minaret, visually and spiritually, is the most harmonious sight. It houses the holy relic, the Moe-e-Maqaddas—a hair of Prophet Mohammed.[1] Hazratbal is a most respected place for Muslims. Nothing else binds Kashmiri Muslims as powerfully as the Hazratbal shrine and even a hint of its desecration would most certainly generate spontaneous and enormous protests.

On December 27, 1963, the mysterious disappearance of the holy relic had led to communal tension in the valley. Property belonging to the former Chief Minister Bakshi Ghulam Mohammad was burnt down, a police station was set on fire and huge crowds defied curfew orders.[2] Not only the valley the incident shook the entire sub-continent. Recalling the disappearance of the holy relic, on "freezing winter night" of December 27,1963, and subsequent events, Sheikh Abdullah in his autobiography—translated by Khushwant Singh for viking from the Urdu version "Aatish-e-Chinar" posthumously published, says: That it strained the already over-wrought nerves of Jawahar Lal and shaken the seat of power in Delhi.[3] The then Director of Intelligence Bureau, B.N. Mullick was put in charge of the operation and within six weeks on February 4,1964, the relic was traced and kept in the shrine. Initially people questioned the authenticity of the recovered relic, which reappeared as mysteriously as ithad disappeared. The Moe-e-Muqaddas had travelled all the way from Medina to Kashmir valley via Bijapur, Delhi and Lahore to rest at this particular place which had come to be known as Hazartbal. Even Aurangzeb had failed to interrupt its passage to this place and all the previous attempts to displace it from there had failed and it had come back to its place of rest. So did the Moe-e-Muqaddas on this occasion also; B.N. Mullick in, My Years with Nehru: Kashmir, writes: "we who worked for the cause were only the puppets in the game. Glory to the Moe-e-Muqaddas."[4] He vividly narrates the identification proceedings: "Syed Masoodi then gave each of the fourteen persons a copy of the Holy Quran and asked to swear by it that they would give only correct verdict. The fourteen took their oaths." The acting Chief Nishan Dez, Noor Din Bandey, then narrated the holiness of the Moe-e-Muqaddas and its history and gave its description from the books for the purpose of identification. He spoke about its holiness and repeated the points of its identification; "the first to give the verdict was Faqir Mirak Shah, the holiest of the holy men in Kashmir, and the stir was caused when he uttered the single word "Haq" meaning right."[5] Thus the authenticity of the Holy Relic-Moe-e-Muqaddas was established and Pakistan's master-stroke of causing the temporary disappearance of the Holy Relic was foiled by its quick recovery.[6]

The single hair from the beard of Prophet Mohammed, enshrined in Hazratbal is only one of two of this relics in India.[7] The relic is now publically exhibited only on a few select days, including Id and Milad-ur-Nabi, the prophet's birthday.[8] Earlier it was ritually exhibited ten times a year but was otherwise kept locked in a wooden cupboard.[9] The ziarat at Hazratbal on the Dal Lake is visited by thousands of Muslims every Friday. It is here that the famous feast of roses is celebrated every spring.[10]

Recounting the history of the shrine, Sheikh Abdullah gives the vivid version: "It is said that the hair of the Prophet was in the possession of a Sheikh who belonged to the inner circle of the Haram-e-Kabba. Differences between him and the ruler of the day and he migrated to India and settled down in Hyderabad acquired the relic at an enormous price. When he was transporting it to Kashmir, the Mughal emperor Aurangzeb heard about it and immediately ordered it to be confiscated and placed at the Dargah of Khwaja Moinuddin Chishti at Ajmer.[11] A dream that night, however, upset Aurangzeb's plans. He dreamt that the Prophet had embarked on a journey towards Kashmir and was disturbed by Aurangzeb's decision, asked him: "Why are you trying to stop me from going to Kashmir?". Aurangzeb got the divine message and immediately ordered that the holy relic be taken to Kashmir under royal protection. When the holy relic reached Kashmir, the entire Jamiat gave it the most reverential welcome. By common consensus, it was placed at Hazratbal and became the symbol of faith and instruction to all the Muslims of the valley.[12] According to Dr. R.K. Parmu, it was during the reign of Fazal Khan 1698-1701, who was God's goodman a reputed builder and an architect, the most important event, both historically and culturally of his regime, was the arrival of Moe-e-Mubarak; of the Prophet Muhammad in Srinagar, in the year 1699. One Khwaja Nur-ud-din Ishbari, an affluent Kashmiri merchant, had bought the hair in Bijapur-Deccan. When holy relic was brought to Srinagar and lodged in its present picturesque site, in the Hazratbal Mosque, overlook Dal Lake, since rendered famous as the custodian of the Hazrat Bal, or the "Prophet Hair", all Kashmiris manifested great joy. All nobles, dignitaries, Maulvis and Ulama, in fact, the entire population, gave the hair an unprecedented, rousing reception, which it richly deserved.[13]

The holy relic-Moe-e-Muqaddas, is kept in a gold embroidered bag in a walnut box is a single hair of Prophet Mohammed. According to another version it is said to have been brought to India by a Syed Abdullah, who claimed to be a descendant of the Prophet, some 350 years ago. Abdullah was the Chief keeper of the Mosque in Medina, but he fled the place after a family quarrel. He journeyed to India and landed in Bijapur. The Sultan there impressed by the Relic, gave Abdullah a plot of land, on which he lived for 23 years. When Aurangzeb invaded Bijapur kingdom, he seized this land.[14] After years of penury Hamid met a Kashmiri trader, Nooruddin Ashwari who took possession of the relic and said that he had had a dream in which the Prophet had directed him to take the sacred relic to Kashmir, and there enshrine it on the banks of Dal Lake. Aurangzeb, hearing of this, thought the thing to be a hoax and had Nooruddin arrested. But later he found the relic to be genuine, he had it enshrined in the Mosque at Ajmer. The Prophet is said to have told the emperor in a dream that relic should go to Kashmir.[15] In the meantime Nooruddin died and Aurangzeb sent the Moe-e-Muqaddas to be enshrined in Naqshaband in 1699. But the mosque was too small to contain the crowds that thronged the place, so it was shifted to Bagh-e-Sadiq, later to be known as Hazratbal.[16]

The sacred hair of the Prophet is kept at Asaar Sharif in the Hazratbal. Perhaps, it is not very widely known that the late Sheikh Abdullah was closely associated with the renovation of Hazratbal and Asaar Sharif which once he described as a "symbol of the unity of the Muslims of Kashmir," cautioning that any harm to it would "amount to their disintegration."[17] Sheikh Abdullah, in the autobiography, "Flames of the Chinar", recalls the fascinating history" of Asaar Sharif and how the Islamic Endowments Committee, chaired by him, renovated it with the best marble brought all the way from Makrana, Rajasthan which was the source of marble for Tajmahal. Calligraphers from Delhi and Lucknow were brought to inscribe verses from the Quran on the marble and the central Chamber which held "Moe-e-Mubarak"—the Prophet's hair, was decorated with a unique Chandelier flown from Czechoslovakia.[18]

Another relic is lodged in Hazrat Baeos Khwaja Dargah near Aurangabad in Maharashtra. It is said to be reminent of the Prophet and is known as "Pehran-e-Mubarak". It is 1,350 years old, and is in this place for the last 700 years.[19] The Prophet gave this "pehran" to a Hazrat Ali who passed it on to Khwaja Hassan Basri in Iraq who in turn gave it to Hazrat Queja Abdul Wahed in about 756 A.D., then it stayed in Khutabad mosque until it came to India. Other relics are believed to be a pair of shoes in the Jama Masjid and another garment in the Sabriya dargah in Daryaganj, both in Delhi. There is also a hair from the beard of the Prophet at Deoband in Saharanpur district of Uttar Pradesh and a scarf at Durloom Arabic University in this town. A tuft of grass sanctified by water from the prophet's hand is preserved at Bareilly.[20]

Border Security Force on October 15, 1993 had laid a seize of the Hazratbal shrine in Srinagar, not because the holy relic had disappeared but because some terrorists and Pakistani trained saboteurs had gone inside and made it a hide out for the secessionist activities. The purpose of the cordon ostensibly was to protect the shrine and secure the holy relic kept inside Asaar Sharif. Director General of Police M.N. Sabarwal told the reporters on October 16, 1993 that "A criminal conspiracy of the most heinous nature has come to light as the holy shrine of Hazratbal has been misused by militants for activities detrimental to its sanctity, such as display, storage of weapons torture of captives and browbeating of law abiding citizens.[21] The timing of the Hazratbal episode may be the crucial key to figuring out motive behind the renewed series of international chess board moves on the sub-continent with the Kashmir as a convenient pawn. The encirclement of the Hazratbal shrine by Indian Security forces and later the Army, came bare three days before the new-and elected Pakistan Prime Minister was to assume office in Islamabad. It may not be just a coincidence. The occuption of the shrine by militants had also coincided with the stepping up of international pressure by Pakistan, on India regarding Kashmir. The round table conference in Brussels was a bare two days away called by the socialist group of the European Parliament to discuss Kashmir. The U.N. General Assembly had been in session and Pakistan was going to press for a resolution on Kashmir, which of course, ultimately failed. The Organisation of Islamic Conference had already asked for a U.N. fact finding team to study alleged human rights violations in Kashmir.[22] This action of the militants had caused great resentment among the people but because of the fear of the gun, they had not publicly voiced their grave concern of this sacrilege of the shrine. Neerja Chaudhury's analysis is that New Delhi decided to move in troops to flush out the culprits, apprehending a possible move by ISI backed militants to spirit away the holy relic—as happened in December 1963—and lay the blame on New Delhi's door.

The Government's decision to open Kashmir to the gaze of foreign observers after considerable restraint may be a step due to Western pressure. But it could also be a tactical move to establish the country's credentials through the international T.V. net works as a government that went out of the way to excercise restraint and protect the shrine containing a holy relic, sacred to the Muslim community.[23] The Hazratbal stand off ended early on Tuesday, November 16, 1993, without a single shot being fired after the remaining 65 people, including foreigners and militants holed in the shrine surrendered to the authorities.[24] The Hazratbal shrine was not a hostage like Rubaiya Sayeed to be freed through behind the scene negotiations. A false move could mean tremendous loss of face for the agencies of the Indian State.

In Srinagar not even an attempt was made by the army to show its awe-some power. First the High Court at Jammu and later the Supreme Court ordered food supply and at a still later stage blankets were supplied to keep the hostages warm. In this way, the Judiciary stiffened the basic philosophy of extending a humane treatment to those who chose the militant path to protest against the govenment. The forces showed exemplary sense of perseverence and refused to be provoked. The duration of the siege was punctuated by repeated assurances by the administration that there would be no attempt to storm the shrine to free the hostages and detain the militants.[25] The armed forces and paramilitary outfits had chalked up an impressive victory in preventing any damage whatsoever to the holy place.

Dr. Heptullah, Deputy Chairperson of Rajya Sabha said that Hazratbal Mosque is a most respected place for Muslims. If the terrorists go inside and hide in it, it's a kind of disrespect to that place. This is not a place meant for people with guns to sit around, it's a place for peace.[26]

The Hazratbal operation launched in October, 1993 was undertaken by Indian Government to protect the religious sanctity of the Hazratbal shrine in Srinagar. Undoubtedly, terrorism has no place in a democracy. The militants sitting and hiding in Hazratbal shrine was the Pakistan's strategy to make Kashmir an increasingly internationalised issue, so that world pressure could be brought on India to give up the valley. The government wanted and ultimately succeeded to establish its bonafides by using restraint and a humane approach rather than tough military measures to evacuate the shrine. The security forces displayed commendable-restraint in handling situation in Kashmir's sacred Hazratbal shrine. However, Pakistan and its inter-services intelligence, has not and will not hesitate in using the sacred shines like Hazratbal for its subversive and nefarious activities.

It is pointless to expect the ISI to use fair means. For this dirty trick department every incident is tailor-made to hurt India and sully its secular image.[27] After the failure of Pakistan at the United Nations Human Rights Commission in Geneva, it was quite obvious that the evil empire called Inter-Services Intelligence, directorate will strike back with vengeance. The former speaker of

Jammu and Kashmir Assembly Wali Mohammad too, was shot in the back while thousands of namazis walked around him, just after Friday prayers in Jamia Masjid in Khatikan Talab, Jammu has become a prominent victim of this proxy war. Reports are unambiguous that the murder was committed following a fresh directive from Pakistan's top intelligence officers to militants to eliminate all pro-India Kashmiri Leaders.[28] The Inter-Services Intelligence over which no civilian government, in Pakistan has any control and which organises terrorism in Kashmir uses fundamentalist Islamic groups for the purpose. It has also close links with Islamic groups which practise terrorism world wide.[29]

In India's context, Pakistan uneasing refrain is, "India must be destroyed." Kashmir is only a quasi-core issue, an opening gambit so to speak. The core issue is to destroy India at all costs, by all means. There is not other issue. The rest are intermediate quasi-core issues till the final result is achieved. In this ultimate goal, the fragmentation, dissolution and final disappearance of India is the final factor.[30] If any proof was still required we have only to hear Ms Benazir Bhutto's ringing statement: "The unfinished work of Jinnah must be completed." In stark effect, the statement conveys that India must be divided again and again to extinction. Another famous Benazir admonition is that India will have to swallow the bitter pill of Kashmir, as Pakistan swallowed the bitter pill of Bangladesh. A ludicrous comparison but a bitter pill of her rhetoric which will have to be swallowed.[31] A careful reading of the statements of Ms. Bhutto ought to bring home the reality. Her Statements are open challenges and what is our response to these challenges which come from the enemies who are constantly on the prowl to seek and engineer provocations.?

Thus, today, when we have the opportunity to play a decisive role in shaping of history, we are caught in monumental trivialities of our own making. There is no hope for India unless it girds itself, gives itself renewed vision and meets all challenges with fortitude, courage, a sense of self-reliance and confidence, united and strong, once again to be a beacon to the world.[32] It is no more time for behaving small.

References and Notes

1. "The story of Hazratbal", Deccan Chronicle, October 19, 1993.
2. *Ibid*.

3. Sheikh Abdullah, Autobiography, Flames of the Chinar, (1986) translated from Aatish-a-Chinar by Khushwant Singh.
4. B.N. Mullick, My Years with Nehru: Kashmir, (1971) p. 166.
5. *Ibid.*, pp. 161-162.
6. *Ibid.*, p. 180.
7. "Hazratbal Crisis ends", Deccan Chronicle, November 17, 1993.
8. "The story of Hazratbal", Deccan Chronicle, October 19, 1993.
9. Rajesh Kadian, The Kashmir Tangle : Issues and Options (1992) p. 123.
10. G.L. Kaul, Kashmir : Through The Ages (1954) p. 237.
11. Sheikh Abdullah, Autobiography, Flames of Chinar, (1986) translated from Aatish-e-Chinar by Khushwant Singh.
12. *Ibid.*
13. Dr. R.K. Parmu. A History of Muslim Rule in Kashmir 1320-1819, (1969) pp. 327-328, Also see, Azam, Wakiati-Kashmir, p. 156.
14. "Treasured Relics", The Hindu-Magazine, p. 1.
15. *Ibid.*
16. *Ibid.*
17. "Hazratbal again in the eye of the Storm", The Hindu, October 20, 1993.
18. *Ibid.*
19. "Treasured Relics", The Hindu-Magazine, November 21, 1993, p. 1.
20. *Ibid.*
21. "Militants holedup in Hazratbal Shrine", Indian Express, October 17, 1993.
22. Neeraj Chowdhry, "At best a stalemate in Kashmir", The Economic Times, October 24, 1993.
23. *Ibid.*
24. "Hazratbal Crisis ends", Deccan Chronicle, November 17, 1963.
25. K.P.S. Gill, "Between Black Thunder and Hazratbal", The Tribune, November 18, 1994 pp. 1 & 18.
26. Dr. Nejma Heptullah, "Nejma apprises Clinton aides of Kashmir Human Rights Issue". The Economic Times, October 26, 1993.
27. "ISI SHOW ITS FANGS", The Tribune, March 21, 1994, p. 8.
28. *Ibid.*
29. "United States and Kashmir", Indian Express, October 25, 1993, p. 6.
30. Som Benegal, "Pakistan and Core Issue", The Tribune, March 21, 1994, p. 8.
31. *Ibid.*
32. *Ibid.*

Chapter 3

Accession Irrevocable

> ***It is not enough that we believe in our national motto, "Truth shall prevail". Truth no doubt, will ultimately prevail. But our paramount duty is to ensure that falsehood does not have too long an innings before the ultimate moment of truth arrives.***
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> ***—N.A. Palkhivala, We the people, (1988) p. 53***

October 27, 1993 marks the 46th anniversary of the accession of Jammu and Kashmir to Indian Union and despatch of Indian troops to Srinagar to save it from a Pakistani invading force. The newly formed State of Pakistani force tried to annex the valley by force through its regular and irregular troops aided by so called Mujahedeen from NWFP and Punjab, who were armed, financed and aided by the government of Pakistan.[1] These forces which crossed into Kashmir on October 21, 1947 comprised of regular troops in disguise, Masuds and Afridis from NWFP and others led by Army officers. Even Pakistan, subsequently admitted this fact. The invaders were responsible for rape, loot, murder and arson right from Kohat to Uri and Baramula where they did not spare even the nuns and priests in St. Joseph's School and after an unopposed thrust, reached the outskirts of Srinagar.[2] It was then the Maharaja of J & K Hari Singh stopped dithering about the future of the State. On October 24, 1947 the Maharaja appealed to India for help and signed the instrument of Accession with India on October 26, 1947. The Maharaja had full support of the National Conference, the main political organisation in the State. The Indian troops were airlifted to the Kashmir capital - Srinagar.

The Central Government of India with Mahatma Gandhi's blessings sent its armed forces by air to save the airfield and the city of Srinagar. The invaders were driven out of the valley. India accepted the ceasefire line just beyond Uri and across the Krishan-Ganga river under pressure and persuasion from the British and in hope and faith that the U.N. would support India's complaint against Pakistan's aggression.[4]

When it came to the defence even Mahatma Gandhi approved of the Indian army action in Kashmir. To quote Mahatma Gandhi, "Violence is better than cowardice." Not to defend oneself is not bravery. Gandhi taught not only the Indians but the world, how to use non-violence in offence. Gandhiji was the offensive for his right—the independence of the country. The British were the defensive to defend their imperial position. Therefore, in an offensive Gandhiji was able to use the rational strategy of non-violence. Once late General Cariappa is stated to have gone to Gandhiji and asked him about the use of non-violence in defence. General Cariappa said: "Gandhiji you tell me that; when I would be able to instruct my soldiers how to defend the country by using non-violence" Gandhiji said: "I have not yet found the solution; when I find it, I will tell you.[5] Gandhiji did not reach a solution on the issue how to use non-violence in defence, and that appears to be the reason that Gandhiji approved of the Indian army action in Kashmir.

Ayurvedic Medical science says the best way to treat a disease is to treat the cause and not the symptoms. The truth may be sought from facts. The scheme of accession of Indian States with the rest of India was evolved prior to, 1935 and was incorporated in Section 6 of the Government of India Act, 1935. This provision continued to operate subject to certain modifications under The India (Provisional Constitution) Order, 1947, made in exercise of the powers conferred by the India Independence Act, 1947. Under this order a State would be deemed to have acceded to a dominion if the Governor-General has accepted the instrument of Accession.[6] To effect the accession, a Negotiating Committee was constituted by The Constituent Assembly and another by the Princes. Later a special States Department was created with Vallabhbhai Patel as Minsiter and V.P. Menon as Secretary which negotiated and concluded the Instrument of Accessions[7]. On 3 June 1947 the Governor-General of India, Lord Mount-batten presented a partition plan of India.

India became independent on August 15, 1947 under the India Independence Act, 1947. It was to be composed of territories which immediately before that date were included in British India, (except territories included in Pakistan) and such other area as would be included in India. The suzerainty of the Crown over the Indian States lapsed, and they could, if they so desired, accede to either India or Pakistan. There was no requirement that the ruler should consult his people.[8] Soon after he asked the Maharaja of Kashmir either to accede to Pakistan or to India.[9] The Maharaja of Jammu and Kashmir initially entered into stand still Agreement with both India and Pakistan. Pakistan, in violation of the agreement, cut supply of food, petrol and other essential commodities; The tribal invasion of the State was launched from across the Pakistani provinces of North-West Frontier Province and West Punjab and within a day the raiders reached Muzaffarabad. On 24th October, 1947 the Maharaja appealed to India for help and acceded to India on 26 October 1947 and the accession was soon endorsed by Sheikh Abdullah.[10] On 27 October, the first consignment of Indian troops landed in Srinagar and the advances of the Pakistani irregulars was halted.[11] Even Jinnah had openly proclaimed that legally speaking the question of accession depended entirely on the choice of the ruler and the people of the State had no right to question his choice.[12] Bakshi Ghulam Mohammed, who was talking to newsmen, in Lucknow on April 25, 1954, said: Kashmir's Constituent Assembly had already decided to accede to India. The Presidential application order concerning Kashmir, would complete an integral part of India as stipulated in the agreement. So far as Kashmir was concerned it had implemented that agreement "100 per cent". There would be common citizenship, and both India and Kashmir would be able to develop their relations in a manner mutually advantageous to them. Kashmir in terms of the Agreement would enjoy a Special Status in the Indian Union. This has already been accorded to Kashmir by the Indian Parliament.[13] The Kashmir Constitutent Assembly had also adopted a Constitution on 17th November 1956, to be enforced in full on 26 January 1957, Section 3 of which declared, "The State of Jammu and Kashmir is and shall be an integral part of Union of India."[14] M. Hidayat Ullah, in Constitutional Law of India, Vol. II, has elaborated that: The accession of the State of Jammu and Kashmir had been confirmed by its people through the Constituent Assembly elected by them. Section 3 of the Jammu and Kashmir Constitution which was adopted by the Constituent Assembly of State on November 13, 1956 categorically affirmed the constitutional position that Jammu and Kashmir is the integral part of India.[15] The Constituent Assembly of Kashmir, was surely a more of representative character than all the Junta of Politicians who divided the country, or rule that part of India, which is now known as Pakistan. India must end the uncertainty about Kashmir's future and prohibit any debate in the country of its status an as integral part of India, asserted P.B. Gajendragadkar, during 1966, in his convocation speech in Kashmir University—Srinagar.[16] C.K. Jaffer Sharief rightly asserted that Kashmir would always be an integral part of India and the destiny of Kashmir was linked with the destiny of India.[17]

On Kingsley Marlin suggesting a solution of the Kashmir problems on the basis of separation—the predominantly pro-Pakistani region, such as, Poonch going to Pakistan, and the Kashmir Valley remaining with India—Mahatma Gandhi had no difficulty in giving a resolute answer in the negative. Mahatma held the firm opinion that India, or any part of India, could not be divided in this manner. It was the evil that must not be allowed to continue.[18]

If Pakistan wants to put the hands of the clock back, let us go back to June 3, 1947, and to October 26, 1947.[19] Recently Kashmir has taken an alarming politics—military shape which cosmetic treatment by foreign secretaries cannot make beautiful. Pakistan is not likely to talk to us any more until we do what Pakistan requires us to do. Prem Bhatia questions that in these circumstances must we proceed with more dialogue with the representatives of Pakistan? He answers that to pretend that if we settle the small problems first it would be easier to deal with the "core issue" of Kashmir is a lot of nonsense. He asserts that peace with Pakistan on the basis of a step-by-step process of reconciliation may have been possible in the past, but this is out of question at present.[20]

In support of its case, the Pakistan and Kashmir secessionists go on for constant lobbying through out the world and especially in USA, where lobbyists are the movers and shakers in Washington. In their ranks are top law firms former Cabinet Ministers, Ex-officials, ex-journalists, ex-senators ex-Congressmen—In fact, anybody who was some body in the establishment lobbying is most effective when some elements in the executive or legistative branch are on the same tune.[21] A good lobbyist can open doors which had remained closed. T.V. Parasuram asserts that: "It is said by cynics that the US Congress is the "best Congress that money can buy"[22] but may be the truth.

The solution to the Kashmir problem may be found if historic facts are taken into account and considered in its true import and correct prospective. The truth is to prevail ultimately. N.A. Palkhivala, in his book "We the People", asserts. That it is not enough that we believe in our national motto,' "Truth shall prevail." Truth no doubt, will ultimately prevail. But our paramount duty is to ensure that falsehood does not have too long an innings before the utlimate moment of truth arrives.[23]

The State of Jammu and Kashmir an independent sovereign State, after the British paramountcy lapsed on August 15, 1947 and acceded to India by a lawful and binding covenant with India on October 26, 1947 *i.e.*, through a legitimate process of law and the constitutional provisions of the very frame work under which Pakistan came into existence and India became independent. Therefore, India is, fully justified, asserts Jagjit Singh, in demanding that Pakistan withdraws from the State of Jammu and Kashmir.[24]

The general feeling in India has been that 'there should be no talks on Kashmir so for, its accession with India is concerned. As for, India is concerned, the only question to be discussed with Pakistan in respect of Kashmir is: When and how Pakistan intends to withdrew its forces from the occupied part of Indian territory *i.e.*, Azad Kashmir. The question of accession has been finally settled and it cannot be reopened.

The visiting British Foreign Secretary Douglas Hurd is of the opinion that India should not permit with juridical arguments on the finality of Kashmir accession, is not wholly justified. But his exhaultation on a political settlement with Pakistan under Shimla Agreement is appreciable.[25] The recently Clinton's administration repeated pronouncements on the Kashmir accession issue, fall in the category of "unfriendly acts". It should be recalled that U.S. itself had to face a prolonged civil war to prevent the dismemberment of the country. Moreover, the U.S. Supreme Court had clearly told the State of Taxas in the 1930 that it could not secede L.K. Advani emphasised that the present policy and postures adopted by the Clinton administration frown in the face of their earlier recognition of Kashmir as an integral part of India. This recognition was clearly elaborated by none other than the U.S. Ambassador to the U.N., Warren Austin, who stated in the Security Council in February 1948: "The external sovereignty of Kashmir is no longer under the control of Maharaja—with the accession of Jammu and Kashmir to Indian sovereignty went over to India and is exercised by India, and that it is why India happens to be here as a petitioner."[26] In 1951, U.N. representative in Kashmir Sir Owen Dixon on Kashmir said: "Pakistan had invaded Kashmir."[27] Krishna Menon during 1951, on Kashmir's accession with India unequivocally said: "We came to United Nations because Pakistan invaded Kashmir, a part of India. All we had asked for was United Nations good offices to have the invaders removed. Our initial complaint was that we had been invaded and that there had been a gross violation of international law."[28] The legality of Jammu Kashmir's accession to India cannot be questioned and it has been cantified by the popular will as represented by its Constituent Assembly in 1954 and by various elections held in the State. L.K. Advani is justified when he says that: "The Clinton administration must be told in no uncertain terms that its recent statements in relation of Jammu and Kashmir fall in the category of unfriendly acts since they not only question the unity and territorial integrity of India but also embolden the terrorists operating in the State and support Pakistan."[29] It will be just impossible for Pakistan to continue its aggressive stand towards India, without the tacit support of U.S.A. The Indian Parliament on February 22, 1994, adopted a unanimous resolution flaying the role of Pakistan. The resolution said, "India has the will and capacity to firmly counter all designs against its unity, sovereignty and territorial integrity." It firmly reiterated that "any attempt from any quarter to interfere in the internal affairs of India will be met resolutely."[30] However, the deputy leaders in the Lok Sabha and Rajya Sabha Babudeb Acharia and Sukumal Sen, respectively said, "while agreeing with the context of the resolution the CMP feels that it does not adequately reflects the totality of concerns connected with this issue." They said for the sake of unanimity, the CPM supported the resolution in the form it was presented but it strongly holds that the resolution should have contained strong criticism of the dubious U.S. role."[31] There seems to be a wider conspiracy by which USA has started taking Pakistan side on Kashmir issue, asserted Kushabhau Thakre.[32] The general feeling in Indian mind appears to be that the best contribution the United States can make to a peaceful resolution to the Kashmir dispute, would be that it keeps itself off this conflict. Then and then alone Pakistan may show a genuine interests in serious negotiations with India. So far as we are concerned, India does not need American endorsement of its unbreakable relations with one of its vital limbs—Jammu and Kashmir; "The State of Jammu and Kashmir has been, and shall be integral part of India.[33] The unanimous resolution passed by both the Houses of Parliament, the parameters of national debate and international opinion will bring dividends. The collective echo of some 920 million cannot, after all, be treated as a casual refrain. Parliament clearly set out the ground rules for coping with nefarious assault on India nationhood, the onus is now on the Government to ensure that it is translated into practice. The nation has shown the will and the Government must evolve a way.[34] Parliament has told the world in unequivocal terms: "Pakistan must vacate the areas of the Indian State of Jammu and Kashmir which it has occupied through aggression.[35] Although the timing of the resolution was dictated by extraneous considerations, notably Pakistan's spirited bid to complete the "unfinished agenda" of partition and Washinghton's keeping helping hand to Islamic terrorism, the resolution is calculated to be a salutary effect on the country's own morale.[36] For the defence personnel engaged in the difficult and sometimes thankless job of fighting the insurgents, the resolution is reassurance that some cynical politicans will not barter away their sacrifices.

The partition plan, as noted earlier undoubtedly, did not apply to the princely States. The British Government made a policy towards the Indian States contained in the Cabinet Mission's memorandum would remain unchanged. The memorandum provided that a State could enter into federal relationship with the successor Government. It was provided under the Government of India Act, 1935 which was in force on August 15, 1947—that a State could enter into federal relationship with either of the two Governments of India or Pakistan by executing an instrument of Accession. Therefore, the accession of Kashmir became a legal fact when Maharaja Hari Singh of Kashmir signed the instrument of Accession and the same was accepted by the then Governor-General of India—Lord Mount-batten.[37] Instead of taking the obvious course of clearing the whole territory of the State of Kashmir of the tribal invaders who were guided, assisted and supported by Pakistani Armies, India was persuaded to stop her armies short, leaving chunks of State's territory in the hands of Pakistan. Had the soil of Kashmir been freed from the aggressor, there perhaps have been no Kashmir problem.

Recently the Kashmiri Pandits have called upon the United Nations to ensure respect for the human rights of 3,00,000 Hindus in Kashmir valley, "who have been reduced to refugee status in their own country." For the dispossessed citizens of the Kashmir—both Hindus and Muslims—languishing forgotten in refugee camps, there is at least a glimmer of hope that they will return one day to their homes in the valley. People, no doubt, have comparatively greater security but the State is yet to have democracy. The Indian nation has resolved through its Parliament not to brook any further belligerance or bullying from Pakistan and shown its intrinsic unity and expressed its determination to work purposefully together for safeguarding national integrity.

References and Notes

1. T.N. Kaul, "Without Home and Hearth", The Tribune, Sunday Reading, January 23, 1994, p. 1.
2. *Ibid.*
3. G.M. Telang, "Myths about Kashmir", Indian Express, October 27, 1993.
4. T.N. Kaul, "Without Home and Hearth" The Tribune, Sunday Reading, January 23, 1994, p. 1.
5. K. Subrahamanayam, "Problems of living in Nuclear Age" (1985) p. 19.
6. Aman Lekhi, "The Logic and Validity of Accession". Indian Express, November 15, 1993.
7. *Ibid.*
8. *Ibid.*
9. V.P. Menon. The Story of the Integration of the Indian States, (1956) p. 394. Also see Gulab Mishra Indo-Pakistan Relations, (1987) p. 93.
10. *Ibid.*
11. Gulab Mishra, Indo-Pakistan Relations (1987) p. 94.
12. Mehar Chand Mahajan, Looking Back (1963), p. 131.
13. Bakshi Ghulam Mohammed, "Kashmir and the Plebiscite", The Modern Review (May, 1954), p. 347.
14. Gulab Mishra, Indo-Pakistan Relations (1987) p. 98.
15. M. Hidayatullah, Editor-in-Chief, Constitutional Law of India, Vol. II, p. 753.
16. P.B. Gajendragadkar, "Kashmir Future: Government urged to end uncertainty" Hindustan Times, February 20, 1966.
17. C.K. Jaffer Sharief, "Pak 'Unsettling' Indian Muslims", The Tribune, February 1, 1994, p. 5.
18. D.G. Tendhulkar, Mahatma, Vol. 8, (1990) p. 281.
19. Deendayal Upadhya, Organiser, October 12, 1960.
20. Prem Bhatia, "Dealing with Pakistan", The Tribune, January 14, 1994 (p. 8)
21. T.V. Parasu Ram, The Power of Persuation", The WEEK February, 6, 1994 p. 6.
22. *Ibid.*
23. N.A. Palkhivala, "We The People", (1988) p. 53.
24. Jagjit Singh, "Options on Kashmir", Indian Express, December 11, 1993.

25. "Political Settlement must on Kashmir", Indian Express, November 10, 1993.
26. L.K. Advani, The Times of India, February 19, 1994, p. 7.
27. Jagat S. Bright, Kashmir Forever, (1958), p. 215.
28. *Ibid.*
29. L.K. Advani, The Times of India, February 19,1994, p. 7.
30. Parliament Flays Pak role", The Tribune, February 23, 1994, p. 1.
31. *Ibid.*
32. Kushabhau Thakre, "No Policy on Kashmir", Indian Express—States, January 13, 1994, p. 1.
33. The unanimous resolution passed by Indian Parliament on February 22, 1994, p. 1.
34. Ground Rules of Encounter" Indian Express, February 24, 1994, p. 6.
35. "A Clear Resolve", The Tribune, February 24, 1994, p. 8.
36. "Ground Rules of Encounter" Indian Express February 24, 1994, p. 6.
37. H.S. Guru Raj Rao, Legal Aspects of the Kashmir Problem, (1967) p. 32.

Chapter 4

Kashmir Acid Test for Secular India

> *If Kashmir valley is allowed to go out of India, it will be the end of India's secular democracy and cultural harmony and synthesis. It will also make the position of millions of Muslims in India untenable and could lead to an unprecedented communal holocaust in the whole sub-continent, including Pakistan where ethenic, linguistic and even religious division are present. Pakistan may call itself an 'Islamic' State but cannot force India to become a 'Hindu' State. We must preserve our secular democracy synthesis and harmony and our more than 7000 year old conviction in Vasudhaive Kutumbakam.*
>
> *—T.N. Kaul, "Without Home and Hearth" The Tribune Sunday Reading, January 23, 1994, p. 1.*

The Himalayas are not only the mightiest but the most fascinating mountain ranges in the world. According to the ancient Indian Scriptures, these mountain ranges are so sacred that as the dew is dried up by the morning sun, so are the sins of mankind at the sight of the Himalayas and "the one who thinks of the Himalaya is better than the one who performs all worship at Kashi." Lord Krishna in Bhagvad Gita Says: "Among mountains, I am the Himalaya." Nature has shaped the Indian sub-continent into a compact physical mass of region with rich resource base. The region is surrounded by the Himalayas in the North, Hindmahasagar—the Indian Ocean, in the South, Bangladesh and Bay of Bengal in the East and NWFP in the West. It is a compact unit. The region has been mostly defended by its natural boundaries. One of the unifying factors of India has been the physical and geographical continuity of the land, stretching from the Himalayas to the Indian Ocean and from Brahamputra to Sindhu with the valleys of their tributaries.[1]

The people of India and Pakistan, who have the same origin and belong to the same stock, were separated by the partition of the country. Many Hindus were no doubt forcibly converted and many accepted Islam as they wanted to be on the right side of the power.[2] Some of the Hindus, as in East Bengal, may have accepted Islam voluntarily. But it would be in bad taste to comment on the circumstances in which their ancestors changed faith.[3] But despite change of religion, they belong to the same Indian stock. The change of religion would not change the culture.

J.V Gupta, says that: India being accepted as an ancient country, the culture and heritage of Rama and Krishna cannot be denied by those who had been living in this country since ages. A few of them became Muslims or Christians due to historic reasons but that did not change their culture.[4] The most salient feature of Indian history is the unity in diversity, where different diversities co-exist. The strength of India lies in its diversities and diversities are the strength of Indianness. It is the strength of Indian culture, a common heritage of India that strengthens Indianness and unites the people.[5] However, after more than four decades since the partition of the country and emergence of the Pakistan as a fait-accompli, a psychology among the majority community—Hindus, appears to have been generated that wherever in India, the Muslim is in majority, the non-muslim, particularly Hindu, is treated as alien and is being constantly squeezed and is a refugee in his own country. Baljit Rai elaborates : There is a realisation that Lebanon in 1947 was a Muslim minority (and Christian majority) country. But today, in just forty years the Muslims are in majority in Lebanon and the Christians in minority. This has consequently resulted in a civil war between the two communities for the last fifteen years. "The apprehension is that it may be the future scenario in India.[6] In Kashmir, terrorism reigns and appears to control the administration. Terrorism has no respect for the sanctity of human life. The terrorist's ethos is that of the criminal-kill, maim and destroy. And the bonds of religion, family history, culture; shared traditions of mutual help, courtesy and hospitality that characterised the sub-continent have been torn callously by propounding a criminal philosophy of separation. And the land of laughter and plenty is today coloured by the blood of innocents sacrificed at the altar of terrorism.

It cannot be brushed aside and ignored that the separatist movement and ethnic cleansing of Hindus in Muslim majority

Indian State of Kashmir, the unhampered infiltration of Muslims into India from Bangladesh, Pakistan, Afganistan, Iran and some other West Asian States, developments in Afganistan, the rising cresendo of Islamic fundamentalism, coupled with the Indian State's unwillingness to counter such dangerous developments have also been instrumental in the resurgence of Hindu nationalism.[7] It cannot be lost sight of that even before the advent of Islam, India was a nation. A nation has perpetual existence and a Hindu Nation has existed for ages. It is time for a realization that Indian sub-continent does not consist of two nations, two people, but one people and one nation.

From the Himalayas in North to Hind Mahasagar in South, Bangladesh in East and NWFP in the West situated a culturally compact unit and the region was once defended by the Himalayas. But it is no longer true: after the forcible occupation of Indian territory by the Chinese army and creation of Pakistan. India now stands divided into three—India, Pakistan and Bangladesh. This division of India has shattered the unity of India. The Himalaya mountains which extend for about two thousand miles, from Afghanistan to Burma, serve as a great divide between central Asia and South Asia. Geographically, India has been one and indivisible. Communications and close cultural affinity linked the people of the different States. The States more often unitedly flourished within the natural boundaries, and the physical features of India constituted a source of strength in terms of geographical unity, but its unity has been disturbed by un-natural partition. Only unification is likely to solve Kashmir and other problems faced by the people. The Himalayan ranges remain a source of attraction and inspiration to the people of Tibet and India.

Since independence and Kashmir's accession with India, millions of Kashmiris have been rendered homeless by the Muslim fundamentalist and terrorist activities. These people are refugee in their own country. A N. Dar emphasises that in the year 1994, that has just dawned, India's political antenna should remain tuned to the spread of Islamic fundamentalism. This can spell in the years to come greatest danger to India's national interests.... The tidings coming out of most of the Muslim world are such that India cannot be complacent. Fundamentalism is gaining ground and showing its fangs in much of the Muslim world,[8] and the kind of troubles India is likely to face in the near future. To the extent the fundamentalism goes on spreading. India can expect innovating of pressure to that extent, both internationally and within Kashmir. The organisation of Islamic conference, going by its past stance, will be only too glad to follow the Pakistani lead in maligning India. If fundamentalism gains strength, India should expect more volunteers from fundamentalist States crossing over to Kashmir.[9]

Kashmir represents the unity, territorial integrity and the sovereignty of the whole of secular India. No government in India can stay in power, asserts T.N. Kaul, if it allows the unity and integrity of India, whether in Kashmir or anywhere else in India, to be violated. There is a national consensus on the Kashmir question and it is the duty of the people of India and all the political parties, to close ranks and stand united in upholding fundamental human rights of all the people, specially the minorities, be they Sikhs, Christians, Pandits and Muslims in every part of India.[10] The people of India must stand together united in the battle against religious fanaticism and fundamentalism. The problem of Kashmir is not merely a question of real estate or a piece of territory but the survival of India's cultural synthesis and the right of human beings to live in their homes with dignity, security and harmony among themselves and with others. T.N. Kaul is justified when he says that: Kashmir is a symbol and testing ground of the policy of democracy, humanism and secularism which was propagated by Mahatma Gandhi, Pandit Nehru, Sardar Patel, Maulana Azad and other leaders who inspired Indians during struggle for freedom.[11]

Islamabad has been complicating the lives of not only Kashmiris but also of 120 million Muslims of India by giving moral and material support to militancy in Kashmir Valley, Pakistan has by now developed a vested interest in keeping the Indian Muslims "Constantly unsettled and in turmoil", by whipping up frenzy on Kashmir issue.[12] C.K. Jaffer Sharief recently said it was ironical that Pakistan which came into being obstensibly to *protect the interests of Muslims in the sub-continent* had developed a vested interest" in keeping the Indian Muslims constantly unsettled and in turmoil, so that secularism in India fails because success of Indian secularism undermines the very concept of Pakistan.[13]

To understand the Kashmir syndrome in Pakistan politics, we will have to go back to the rise of the Muslim League in India in thirties and forties. At that time, even before Jinnah emerged on the scene, there was the fear of Hindu domination combined with the nostalgia of Muslim rule. Playing music before mosques was the first form of agitation. Then, as the freedom movement gathered strength, one after the other came the demands for separate electrorates, reservation in services, Jinnah's 14 points and finally, the Pakistan resolution. Each time there was a demand, it was followed by a riot and an appeal to the British district officers to intervene and save Muslims. When the idea of Pakistan was not accepted in northern States of India, the Muslim League sent out its goons to drive the Hindus out of Lahore, Multan and Rawalpindi to appropriate their property. Then Dera Ismail Khan, Hazara and Bannu were set on fire.[14] The expectation that if demand of a separate Home for Muslims - the demand for Pakistan is conceded and the two out of one nation are constituted, the *two nations* will live in peace.

The two new States—India and Pakistan—joined the comity of nations on August 15, 1947. There were many who confidently looked forward to a bright future for them.[15] There are, perhaps, no two countries in the world with as much common as India and Pakistan. Many factors like historical, geographical, linguistic, cultural and economic had contributed to much hope of happy Indo-Pakistan relations. The hope still persists, in spite of an uneasy peace between India and Pakistan. There had also been major clashes in 1947-48, September 1965 and December 1971. The history of Indo-Pakistani relations may be termed as history of conflicts.[16]

The noted world historian Prof. Arnold Toynbee, in a lead article unequivocally stated that the creation of Pakistan is the first successful step of the Muslims in the 20th Century to realise their twelve-hundred year-old dream of complete subjugation of India. Their direct aggression, wetted by their first success, then turned against Kashmir. There too they met with success, though partial. One third of Kashmir continues to be in their clutches even to this day.

India achieved independence, under Indian Independence Act, 1947; The country was divided, partitioned, rather vivisected on the basis of two-nation theory—on religious basis. However, Muslim Majority NWFP was Congress ruled province and Punjab was ruled by Unionist Government, supported by Congress. The people of Baluchistan had no right to franchise. The people who were for partition belonged to hinter land. After partition such people appear to have reconciled to the secular India and have stayed back.

During the exchange of population *i.e.*, Hindus to India and Muslims to Pakistan—most of the Muslims stayed back in India and their population as on to-day is about 120 million in India. Hindus who left Pakistan for India were primarily not received as Hindus but as Pakistani refugees. Similarly, the Muslims from India to Pakistan were, basically and primarily not received as Muslims but as Indian refugees, though the country was partitioned on the basis of two nation theory—Hindus and Muslims. Thus outcome of partition, so far as, two communities are concerned is unnatural. The people living in Indian sub-continent are one people of one nation and by no stretch of imagination can be said to be two people. The people living here are those who are Hindus and those who were Hindus. T.K. Thomas is justified in saying that before their conversion, the Indian Muslims and Christians were Hindus.[17] Lawrence is also of the view that, Musalmans of the valley may have retained for sometime after their conversion to Islam, some of the Hindu customs of Endogamy within the caste and Exogamy outside the gotra but there is no trace of these customs now and the tribal names or Krams are names and nothing more.[18] A Pakistani national who served in a responsible capacities frankly confessed recently to a visiting Indian dignatory that: "there are only two categories of people in Indian sub-continent, "those who were Hindus and these who are Hindus". Sawant, J. in Indira Sawhney's case while discussing caste system, emphasised that, "Almost all followers of non-Hindu religions except those of Zorostrianism, are converts from Hindu religion and in the new religion they carried with them their castes as well.[19] T.K. Oommen explains; that the religious collectivities of India may be grouped into three, based on the sources of their origin: (a) those who prefer religious faiths which originated in the region—Hinduism, Jainism, Buddhism and Sikhism; (b) those who migrated to India due to persecution and oppression in their respective homelands—the Jews, the Bahas, the zorostrians; and (c) those who converted to religions of alien origin like Christianity and Islam, which were perceived to be religions of the colonisers and conquerors. However, the Muslims are perceived as a threat by the Hindus in India, although an overwhelming majority of Muslims are converts from local castes and tribes.[20] Dr. T.K. Oommen, J. in Indira Sahni's case supra, explains what fetters Hindus and Muslims is not the religion but their badges of poverty, disease, misery, ignorance and humiliation.[21] To Mahatma Gandhi the "Two Nations" theory was an untruth. Thus to the very year of Jinnah's success in breaking India into two nations, Mahatma continued his desperate fight against the untruth.[22] Mahatma is no longer alone in this struggle against untruth. Josh Malihabadi, in a published report, said: "According to me, Pakistan has proved harmful for both Hindus and Muslims. It has shattered the composite culture evolved over a thousand years. The civilisation of decency and tolerance has suffered a setback. The two-nation theory is absolutely untenable for humanity, transcends national barriers religion cannot be the basis of nationhood. With the change of religion one will not suddenly cease to be a Pathan or an Indian or a Pakistani. Similarly, an Englishman will not become an Iranian if he embraces Islam. Religion has no co-relationship with nationality. It is preposterous to carve out a country on the basis of religion.[23] The people of United India, for centuries have shared historical memories and felt and behaved as one nation. John Stewart Mill who had gone deep into the question as to what constitutes a nation, said that it is not a language which would define a nation, because languages and, at the same time, there is one nation which speaks two or three languages, like Switzerland. Then, it is not religion which defines a nation, because many nations have got a number of religions. So, finally he came to the conclusion that it is a group of people who have shared historical memories and feel as a nation.[24] The concept of India or whatever term one may use, because India is a foreign term and we did not call ourselves by that term—there is an integrated entity. Sethu Himachalam from Baluchistan to Burma, can be called the India civilisation. There is a civilisationally integrated society, which the rest of the world took note of, which we believe in, and all felt that we belong to that entity, that is, many millienia old. Therefore, while one can talk about various kinds of diversities in India but no reasonable person of ordinary prudence may be able to come to the conclusion that India is a multiplicity of nationalities.[25]

Right from time immemorial Bharat, that is India, has been envisioned and has existed as one single nation not withstanding the fact that different rulers, indigneous or foreign, held sway over principalities of varying domain at different stages of our history. The Vedas speak of one single entity stretching from Himalayas in the North to Kanya Kumari in the South; from Sindhu in the East to Bengal in the West. Other extant literary and historical record of the times—Hindu, Muslim and Anglo Indian—all speak in the same vein, Kashmir finding prominent mention, amongst the areas comprising the Indian Nation as such. As recently as in ninteenth century it formed an integral part of Maharaja Ranjit Singh's Sikh Empire. Socially, culturally, politically and historically, therefore Kashmir has remained and still continue to be a vital organ of the territories of Indian Nation.

India is a multi-dimensional country inhabited by peoples professing different religions. Legally or in practice, however, no discrimination is made or tolerated on the sole ground of religion. The concept of Two Nation Theory that unfortunately gave birth to the partition of the country is antethesis to the concept of secularism, the main creed of India's Constitution. In Secularism the people of Jammu and Kashmir have affirmed their faith and belief through their representation on more than one occasion and at appropriate Constitutional forum. For the simple reason that the State is a Muslim majority area, Pakistan has no locus standi to claim the territory as part of that country. The truism that Jammu and Kashmir is irrevocably integral part of India is thus beyond any doubt, no matter what Pakistan or his allies or countries playing politics might say.

Kashmir is home not only of Hindus and Muslims—Sunis and Shias but also to Buddhists and Christians who have lived in harmony and amity. They are being driven out of the valley in what is one of the ugliest form of ethnic cleansing.[26] It must be remembered that if Kashmir valley is allowed to go out of India, it will be the end of India's secular democracy and cultural harmony and synthesis. It will also make the position of millions of Muslims in India untenable and could lead to an unprecedented communal holocaust in the whole sub-continent, including Pakistan where ethnic, linguistic and even religious divisions are present. T.N. Kaul, justifiably says that: Pakistan may call itself an 'Islamic' State but cannot force India to become a 'Hindu' State. We must preserve our secular democracy synthesis and harmony and our more than 7000 year old conviction in Vasudhaive Kutumbakam.[27]

However, secularism is at stake in Kashmir, rather Kashmir is the acid test for secular India. Terrorism in Kashmir seeks to destroy India's sense of nationhood, unity, democracy and secularism. The unity of the people which is the key objective of the constitution is not to be destroyed by religious fanaticism and orthodoxy of certain powerful factions of the country. The Indian constitution as such, seeks to maintain complete religious neutrality and refuses superiority of race, colour, creed, religion or region. It seeks to establish equality, toleration and social justice, in all spheres of life, by doing away with casteism and communalism. Thus, secularism in India is not a particular creed, but a way of life which does not recognise superiority but equality and harmony. The freedom of religion is not incompatible with good citizenship and loyalty to the State, and all progressive societies must respect the religious beliefs of their minorities[28] and *vice-versa*.

The constitution of India guarantees perfect impartiality towards all religious communities in the State and grants to profess whatever religion one seeks to follow. What it seeks to eschew is religious or communal fanaticism which destroys unity and cohesion of the national life.[29] The word "Secular" was intentionally inserted by the constitution (42nd Amendment) Act, 1976.[30] Secularism is a "system of social ethics based upon a doctrine that ethical standards and conduct should be determined exclusively with reference to the present life and social well being without reference to religion."[31] But in general paralance secularism means separation between State and religion *i.e.,* the temporal power should keep its hands off from religious world.[32] "Secularism" means a State which does not recognise any religion as a State religion. It treats all religions equally. The concept of secularism is implicit in the Constitution, "Liberty . . . . belief, faith and worship". Articles 25 to 28 of the Constitution guarantee to every person the freedom of conscience and the right to profess, propagate and practise religion.[33]

Secularism is actually, the affirmation of the principle that all the Indian citizens are equal whatever their religion. It is the affirmation of the principle that affirmative action should be taken in favour of disadvantaged. Secularism also means a strict adherence to the principle of separating religion from politics.[34] India is secular because of the people, its culture and the ethos of this country are secular.

Secularism is an attitude of mind. It can be cultivated through education and concerted efforts by progressive elements. Then and then alone we can attain what Swami Vivekananda called a "Hindu brain in an Islamic body."[35] Indian secularism establishes a harmony in religious freedom and power of the State to exercise control over this freedom. Even in pre-independence period the British, seemingly kept the State and religion separate from each other and religious beliefs and social customs and traditions of different sects and communities were recognised by the Courts unless they were found opposed to the principle of equity and good conscience.[36] As conceived by our Constitution makers, Secularism means, Sarve- Pantha- Sarva-Bhava, *i.e.,* equal respect for all religions. Secularism as embedded in the Indian Constitution has three important ingredients, namely:— rejection of theocracy; equality of all the citizens irrespective of their faith; and full freedom of faith and worship.[37] L.K. Advani says: "We also believe that India is secular because it is predominantly Hindu. Theocracy is alien to our history and tradition."[38] His Holiness the Dalai Lama expresses Himself candidly on secularism in India that: India's resolution to respect all faiths by adopting a secular constitution was born out of its ancient philosophy of non-violence and long standing heritage of cultural diversity.[39] Secularism is India's manifest destiny.

However, Secularism is not ingrained in the hearts and minds of the millions and millions of the people of India; where is religion is. A fake superimposition of a non-workable, non-popular or a pseudo concept of secularism won't work in this country or in any other, if indeed it could, they why was the partition of the country and the people allowed in 1947? On the other hand, if it be laudable goal to make people rise above the narrow confines of religions, the effort should be made to the present Pakistan as well, because nothing could demonstrate the validity of the principle better than a United India in which Hindus and Muslims could live under the umbrella - concept of secularism. Anything less would not be able to clinch the issue.[40] Having allowed the country to be vivisected on the "Muslim and Hindu nations" theory, the leader cannot pull woolover the eyes of the remaining population here by saying we ought to eschew religion from politics.

Secularism is antithetical to Islamic tenets, which not only tell you the way to heaven but also how to found and run one on earth: the Islamic State. It is just about impossible for a Muslim to realise an Islamic State within a Secular set-up.[41] After partition of the country, its leaders made India secular. Secularism was not a choice, it was a necessity, if India were to succeed. Gandhi, Nehru knew this, for it was the basis of their strategy for unified nationalist movement.[42] Secularism, first and last implies a philosophical or psychological revolution, a revolution in the minds of men as individuals. This revolution means a fundamental change in the outlook of men, in their outlook on life, society, history, in fact, on everything that concerns man life here, in this world.[43] Secularism as understood today was nothing but political expediency.[44]

Most of the Kashmiri politicians were adept in speaking with two voices. They could be secular as well as communal, democratic as well as dictatorial, accessionist as well as pro-Pakistan. The underlying motivation was not principles but power—power for the person and for the coterie around. If the Central leaders allowed the Kashmiri leaders to rule the State in whatever manner they liked, whether or not it was in the interest of the country as a whole or even in the interest of the State, they swore by principles of democracy, socialism and secularism and accession to India was declared as final, if, on the other hand, any question was raised in regard to the exercise of authority, or any personal ambition was checked, accession became temporary and issues of autonomy, or identity and of the personality of Kashmir were raised, and communal feelings aroused.[45]

The concept of secularism was debased and despiritualised by the power-crazy and compromising mind of Indian power wielders. Justice, equity and truth were sucked out of it. The concept was reduced to a mantra—the repeated recitation of which was believed to propitiate the goddess of power. Commitment was not to the cause but the expediency.[46] People in the country at large are being regularly explained about the secular foundations of our polity and about the virtues of secularism in a multi-religious society set on the path of development and modernisation in a modern democracy, preoccupation with worldly or secular issues on the socio-economic plane involving active participation of the people can be more effective in combating religious fundamentalism.[47]

According to Justice Beg, Indian secularism is a midway between individual freedom to follow any religion to practice and to propagate religion freely and the right of the State to regulate such activities which are not integral part of religion. "Our Constitution-makers certainly intended to set up a Secular Democratic Republic, the binding spirit of which is summed up by the objectives set forth in the Preamble of the Constitution.[48] From a reading of the Preamble to the Constitution and Arts. 25 to 30, it is clear that the object behind constituting India into a secular State is not to prevent the practice of religion, but to provide liberty, freedom, equality and fraternity between persons belonging to different religions. It is not the object of the Constitution to turn the country into an irreligious place. Secularism is at once an ideal and an inspiration, a goal as well as a striving force, a product as well as a process. It is made of aggregation rather than segregation, or synthesis rather than separatism, of pluralism rather than dominance.[49]

The fate of Kashmir is intricately linked with that of the 200 million Muslims of India. When Pakistan was created, it did not think about the fate of Indian Muslims or the tragedies that might befall them. It just took at chunk of India thinking it has got a homeland. In the ultimate analysis India and Pakistan would have to live together and work together for the progress and welfare of the people. The money being wasted on fighting could be used for development and combating poverty, illiteracy, disease, unemployment and for improving the quality of life. Dr. Abdullah viewed Kashmir as a bridge of friendship between India and Pakistan and not a battle ground between the two neighbours.[50]

The people need to be educated on Secularism, it is a conviction and not a expediency. The Secular nature of India is one of the basic structures of the Constitution.[51]

The preamble of the Constitution is an integral part of the Constitution. Democratic form of Government, federal structure, unity and integrity of the nation, secularism, socialism, social justice and judicial review are basic features of the Constitution.[52] Praful Bidwai, airs his views on the recent judgment of the Apex Court in S.R. Bommai's case that separation of religion from politics—is part of the basic structure of the Constitution.[53] M. Rama Jois, in a recent published article, "Secularism as dharma: Supreme Court has reaffirmed. Hindu Wisdom", explains: It is indisputable that "secularism" has been the basic feature of our civilisation and culture from time immemorial.[54] R.L. Nigam elaborated :

> Secularism has a history of its own, spanning centuries in the course of which it acquired its contemporary universal meaning and definition. It cannot, therefore, mean one thing here and quite another else where. It is not open to any one or any country to give it a meaning fundamentally different from position of secularism acquired through an evolutionary process.[55]

A Secular India was promised by the national leadership when it called upon all Indians to fight for freedom, most notably in the Karachi resolution of 1931; and our Constitution has sought to give shape to such a secular polity. It must be defended.[56]

The 42nd amendment has inserted three new words in the preamble, including Secular. Belligerance on the part of India or Pakistan will ultimately bleed both, and the resources needed for survival of the people of the sub-continent will be diverted to the military industry of the developed countries. India and Pakistan should help create a climate in which even complex issues can be sorted out. The Kashmir problem some say, possibly cannot be solved as long as India and Pakistan pose as adverseries. But in a climate of confidence even a "lost case" can be won. Both India and Pakistan must learn from their history that neighbourly problems can hardly be resolved by forces across the seven seas.[57] The solution to Kashmir Problem may never be found on narrow religious sectarian and racial grounds.

Secularism in the realm of philosophy is a system of utilitarian ethics, seeking to maximise human happiness or welfare quite independently of what may either be religious or the occult.[58] If all human activity in this world could be labelled "Secular" on the ground that it pertains to "this world" as against the "other world", all religious thought and activity could be described as "Secular", as it takes place in this world. But the term is not used so broadly. It is convenient label to distinguish all that is done in this world without seeking the intervention or favour or propitiating a super human of Divine power or being from that which is done professedly to please or to carry out the will of the Divinity.[59]

We must try to make up with the people of Kashmir. Those who have been misled by Pakistani propoganda have now known that India cannot be pushed around too long. Many there realise that Pakistan's strategy is to fight India to the last Kashmiri. Such Kashmiris should be befriended and brought closer. The long-suffering Kashmiri Pandits and migrant Muslims should be enabled to go back to start a process that will bring stability to the scene. The estranged Kashmiris, who have taken to the gun but have found that Pakistan on which they relied so heavily was a paper tiger when it came to the crunch, should not be left to lick their wounds by themselves but welcomes back to the fold as peace loving, secular Indians.[60]

Freedom of thought and conscience, freedom of worship and religion, and freedom of speech and expression bred a certain catholicity of outlook and temperament in ancient India and it has protected the Indian society from the excesses of fanatism and exclusiveness. For centuries, it gave Indian Society a remarkable power and frequent opportunities of assimilation and absorption.... Kabir and Guru Nanak brazed new trails of thought and illuminated the ethical spiritual rational paths of Indian Secularism, thus providing fruitful and harmonious oneness of synthesis rising above the pettiness of parochilism of sectarian establishment.[61]

Secularism is under serious threat in the continent. A Secular Indian subcontinent is a best guarantee of political stability in the region and economic growth is the best ally of Secularism.

The only symptom of our sovereignty in the Kashmir valley is the presence of our armed forces. If there are any elements loyal to India they have either migrated or become totally invisible. Indian statemanship will have to rise to the highest to terminate the feeling of alienation that doubtless exists. The Muslim leadership of India will have a very effective role to play. Without mincing words it should be clear that their attitude and advice to the Muslims of Kashmir will be a test of their sincere commitment to Secularism.[62]

Pakistan has realised that it cannot dislodge India from the valley except by a full scale war. There is a risk that the next war will be a nuclear war. India's military capability including nuclear capability is vastly superior to that of Pakistan. This should be a sufficient deterrent. But frustration often leads to desperation which in turn can produce the most appaling miscalculations. India may well emerge victorious. In all probability it will.[63]

Secularism is the oxygen without which India cannot survive. The secular interests of all the communities in the continent deserve to be harmonised, to evolve a sense of common nationhood and to annul the artificial partition which resulted in dividing the people and there in also lies the answer to Kashmir Problem.

References and Notes

1. M.G. Chitkara, Indo-Pak Amity, (1994).
2. M.R. Malkani, "Looking at the future", The Hindustan Times, Sunday, March 17, 1993, p. 4.
3. *Ibid.*
4. J.V. Gupta, "Demolition, Explosion of Hindu Sentiments," The Tribune, February 1993, p. 12.
5. Ramji Lal, "Communal Scenario in India and its way out", published in Communal Problem in India. A Symposium, (1988) p. 1 edited by Dr. Ramji Lal.

6. Baljit Rai, Muslim Fundamentalism in the Indian Sub-Continent, (1991) p. xi.
7. Amar Zutshi, "Rise of Hindu", Nationalism", Indian Express, March 2, 1993, p. 6.
8. A.N. Dar, "Islamic fundamentalism in 1994", The Tribune January 17, 1994, p. 8.
9. *Ibid.*
10. T.N. Kaul, "Without Home and Hearth", The Tribune, Sunday Reading, January 23, 1994, p. 1.
11. *Ibid.*
12. C.K. Jaffer Sharief, "Pak 'unsettling Indian Muslims", The Tribune, February 1, 1994, p. 5.
13. *Ibid.*
14. K.F. Rustam Ji, "Towards Confecteration?." The Tribune, January 13, 1993, p. 8.
15. Jyoti Bhushan Dasgupta, Indo-Pakistan Relations (1958) pp. 45-47. Also see, Gulab Mishra, Indo-Pakistan Relations (1987) p. 1.
16. Sisir Gupta, India's relations with Pakistan (1958) p. 1, Alsc see, Gulab Mishra, Indo-Pakistan Relations, (1987) p. 1.
17. T.K. Thomas, "Identity Question", The Times of India, February 25, 1993, p. 10.
18. Keys to Kashmir, Lalla Publications, (1953) pp. 32-33.
19. Sawant, J. in re : Indira Sawhney and others vs. Union of India and others, JT 1992 (6) SC 273 and 454, para 478.
20. T.K. Oommen, "Meaning of 'The other' : Perceptions in Indian Society", The Times of India, January 19, 1994, p. 8.
21. Sawant, J. In re: Indira Sawhney and others vs Union of India and others, JT 1992 (6) SC 368-369.
22. Manmathnath Dass, Partition and Independence of India, (1982) p. 31.
23. Rajendra Sareen, "Stern action against Josh demanded," The Tribune, December 31, 1974.
24. K. Subrahamanyam, Problems of Living in Nuclear age, (1985) p. 17.
25. *Ibid*. p. 18.
26. Mrs. Neelam Subharwal, "Pak should stop telling lies", The Times of India, February 26, 1994, p. 10.
27. T.N. Kaul, "Without home and hearth" The Tribune Sunday Reading, January 23, 1994, p. 1.
28. Ayyar, J. in re: Kerala Education Bill, AIR 1958 S.C. 956.
29. P.C. Pati, "Secularism in India" AIR 1994 Journal Section 33, at p. 34.
30. Durga Das Basu, Constitutional Law of India, 6th ed. (1991) p. 2.
31. Webster's New International Dictionary.
32. P.C. Pati, Secularism in India" AIR 1994 Journal Section 33.
33. J.N. Pandey, Constitutional Law of India, (1986) p. 33.
34. Mani Shanker Aiyer, The Times of India, November 18, 1992 p. 18.
35. K.B. Dalike, "True Secularist", The Times of India, November 12, 1992, p. 6.
36. P.C. Pati, "Secularism in India" AIR 1994 Journal Section 33.

37. L.K. Advani, Indian Express, December 27, 1992, p. 9.
38. *Ibid.*
39. The Dalai Lama, "Indias deepening crisis: Imperatives of Harmonious co-Existence", The Times of India, December 10, 1992, p. 6.
40. R.L.M. Patil, "Secularism: The fall of a false God", The Indian Express, December 20, 1992, p. 5.
41. C.P. Surendran, "Swan Song", The Illustrated Weekly, December 12-18, 1992, p. 16.
42. Gautam Adhikari, "Understanding India", The Times of India, December 23, 1992, p. 8.
43. R.L. Nigam, "Defining Secularism: Neither a negative concept nor anti-religion", Indian Express, January 23, 1993, p. 6.
44. U.R. Lalit, "Secularism must be redefined", The Tribune, January 25, 1993, (9-16).
45. Jagmohan, My Frozen Turbulence in Kashmir, (1991) p. 134.
46. Jagmohan, "Crisis of the Polity", Indian Express, January 5, 1993, p. 6.
47. C.H. Hanumantha Rao, "Religious Fundamentalism", Indian Express, January 28, 1993, p. 6.
48. Beg J. in Ziauddin Bukhari Vs Mehra, Civil Appeal No. 134 of 1973, decided on 25.4.1975 Also see P.C. Pati, "Secularism in India", AIR 1994 Journal Section 33.
49. Athiest Society of India Vs. Govt. of A.P. AIR 1992 and Para 319 para 27.
50. Dr. Farooq Abdullah in "Farooq for LOC as International Border" by Subhash Kirpekar from Geneva, The Times of India, March 5, 1994, p. 10.
51. Keshavananda Bharati Vs State of . . ., AIR, 1973 SC 1461, Also see S.R. Bommai and others Vs. Union of India and others, J.T. 1994 (2) SC 215.
52. S.R. Bommai and others Vs. Union of India and others, JT 1994 (2) SC 215.
53. Praful Bidwai "Verdict For Secular Democracy", The Tribune, March 21, 1994, p. 8.
54. M. Rama Jois, "Secularism as Dharma: Supreme Court has affirmed Hindu Wisdom", Indian Express, April 1, 1994, p. 6.
55. R.L. Nagam, "Defining Secularism: Neither a negative concept nor anti-religion", Indian Express, January 23, 1994, p. 6.
56. Irfan Habib, "The case for reason: Arguing with Communalism", Indian Express, January 5, 1993, p. 7.
57. O.P. Shah, "Kashmir which way to go", The Tribune, September 1, 1992, p. 8.
58. Ziyauddin Burhanuddin in Bukhari Vs. Brijmohan Ram Dass Mehra, (1976) 2 SCC 17 at 32.
59. *Ibid.*
60. A.N. Dar, "What after Geneva", The Tribune, March 17, 1994, p. 8.
61. Dr. L.M. Singhvi, Freedom of Trial, Also see Athiest Society of India Vs. Govt. of AP, AIR 1992 AP-312 at 319, para 26.
62. Ram Jethmalani, "Post-Geneva agenda", Indian Express, March 19, 1994, p. 6.
63. *Ibid.*

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Chapter 5

China's Involvement

> ***The significance of placing nuclear missiles on the Tibetan plateau is critical for understanding the historical and current geo-political regional relationships. When China conducted its first nuclear blast in 1964, India immediately realized it must enter the nuclear race. However, Tibet, the traditional buffer between the two great nations, was now under Chinese control. The humiliating defeat suffered by India in the 1962 Indo-Chinese war launched from the Tibetan high-ground. The prospect of being faced with not only superior conventional forces on the Tibetan Plateau, but nuclear ones as well, put India in a vulnerable position.***
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> ***A report by the International Campaign for Tibet, Nuclear Tibet (1993) p. 4.***

One of the root causes of the Indo-China border dispute is the occupation of Tibetan territory by that country. Hithertofore we had no seriousborder dispute whatsoever with Tibetan Government and the relations between India and Tibet were very cordial. The history shows that China had been an expansionist power. According to Daljit Sen Adel China has been trying to expand and has created many problems in the world by its beligerent attitude towards its neighbours. He says that China has deployed forces on its borders with twelve countries.[1] Whenever there was a strong Central Government of China it took to expansionism. The Chinese aggression of 1962 on India was an act in the same line of thinking. After the Communist Revolution of China, the Chinese felt strong and wanted to flex their muscles.

The claim of China over Indian territory in all the three sectors of the border namely Western, Middle and the Eastern is highly inflated. The China first started map of warfare and when the inaccuracies on the map were pointed out, the Chinese Government refused to correct them saying that they have no time.

This cartographical warfare was followed by massive aggression in 1962. It is fantastic that the neighbouring country with friendly relation should keep its claim undisclosed over a vast area of the neighbouring country.

Hithertofore the frontier between the two neighbours was fixed by geography, treaty and customs. Now the Chinese wish to introduce ethnological consideration merely because the inhabitants in the Indian territory claimed are more akin to Tibetans than Indians.[2]

The case of border dispute of China is not only very weak but it has no case at all. The Chinese claim is based on 'might is right'. During the meetings about the border dispute between the authorities of Government of India and China, the latter could not adduce any convincing evidence about their claims and a few documents produced went against them. For instance a document produced by Indian Government showed that Ladakh had been an integral part of Kashmir-India. Indian side had produced revenue and tax records and other official archives stretching over centuries for all the disputed area.[3]

Both China and Pakistan are the nuclear weapon States bordering India and have boundary disputes with India and are often referred to as security threat to India. The threat perception of China appears to be far less serious in the wake of gradual warming of Indo-China relations. Though, China through its stepped-up armed sales to Pakistan, Bangladesh and Myanmar is seeking to gain a strategic foot hold in the South-East region and thereby checking India's influence in the long term. Sanjeev Miglani points out that among the activities of China which have a direct bearing on the security environment in the Indian sub-continent, is the whopping increase in its defence budget by 14.8 per cent, thus allowing for rapid modernisation. In her quest for superpower status, China was building up her economy, not only in the areas of agriculture, industry and science but also her defence structure. Above all China has comprehensive and fully indigenous nuclear programme. The major elements of her nuclear arsinal include a stockpile of nuclear devices, multiple independent recovery vehicle capability, a triad of delivery systems, surface to surface billastic missiles, satellite communications and surveillance capability.[4] Undoubtedly, the Peking regime is fast accomplishing its long cherished goal of establishing China as one of the great world powers.

Recently tension in Indo-Pak border has increased tremendously. Even according to the threat perception of the Defence Ministry, Pakistan's fast narrowing edge *vis-a-vis* Indian armed forces, and its internal compulsions may tempt it to resort to a military option against India. The "threat assessment" paper, released at a recent meeting of the Consultative Committee attached to the Defence Ministry, has drawn attention to the massive Pakistani built up in recent years and termed it as a serious development. Sanjeev Miglani points out that the Pakistan was spending 7 per cent of the gross domestic product on defence as against India's 2.5 per cent and China's 14.8 per cent.[5] The Pakistan's armed forces had been consistantly inducting modern equipment and stepping up its force levels.

Pakistan as on today is a nuclear power State and flush with its victory in Afganistan, has launched a covert war against India in Kashmir after several years of backing the terrorists in Punjab. The actual line of control with Pakistan in Kashmir is militarily "live". Thousands of men with arms wanting to wrest the State from India seek to breach this, requiring a strong Army presence throughout its length. Another compulsion for a large standing Indian army is the disputed 5,000 km of border over some of the most hostile terrain which India shares with China. The border with China is not a mutually accepted line and therefore, requires the presence of the Army across its 4,000 kms length.[6] A recent agreement between China and India, seeks to have a mutually accepted border and bring down force levels but its actual implementation still lies in the realm of future.

The formidable snowy ranges of great Himalaya separate Tibet from Jammu, Ladakh, Himachal Pradesh and Hills of Uttar Pradesh. Tibet is under Chinese subjugation for the last more than four decades. About 31555 sq. kms of Ladakh-Kashmir is in forcible occupation of China.

In the recorded history, the China has never remained India's neighbour but it could occupy India's territories after its military action in Tibet and its occupation by China. It was Tibet which has always remained India's neighbour as a buffer-independent country.

In his Presidential address during 1st session of the Indian Science Congress, Jaipur 1994, P.N. Srivastava emphasised that science is search for truth. A poor quality science is no science; in fact scientific endeavours which lead to half truths and fallacies are worse than not doing any science at all. And, as said earlier, scientific endeavours are international and there cannot be separate standards. The only standard that ought to be is international. The standard of Science will determine the standard of technology which in turn would determine the standard of living. To promote excellence in science, a climate should be created in which quality of research is emphasised much more than the quantity of research.[7] A comparison of the S & T indicators for India and China will show that China outclasses India by three times the number in total enrolment of students at University level, total scientifically active S & T staff; total number of research institutes and departments of number of R and D Scientists and engineers per 100,000 population.[8]

Air Chief Marshal S.K. Kaul has recently stated that despite the India-China accord, China can pose a strategic threat to India, which may be a different magnitude by 2005. China may well become a dominant military and economic power in the world by that time. India must, therefore, plan in-depth while dealing with an emerging big power like China.[9] There is no guarantee that China shall forever abide by this agreement.

Power projection is considered to be one of the essential hallmarks of a super power towards which China is steadily moving. China while moving towards progress is taking care of its own traditional as also indigenous modes of development. But so far as India is concerned we are still confused. India undoubtedly, has a geographical identity and is politically no longer a slave under any foreign power, but it is merely a body without a soul and has rather a low identity in the comity of free strong nations. It is time to pause, think objectively, dispassionately and realistically and to redraw out plans and policies and priorities in defence as also in other spheres of national life, and work them sincerely and earnestly.[10]

The 'gap' between India and developed nations in Science and Technology is unfortunately widening. Meghnad Saha, in a lecture on "Right Thinking", delivered at Milanee Club, Calcutta, on November 16, 1940, reminded the Indians: "In this country unfortunately there is no right thinking even in the field of knowledge, not to speak of politics, sociology and economics." An objective mind looking at the present welter of conflicting ideologies in India may justly compare the different parties and communities to so many Swarms of fish struggling in a net, each pulling in a different direction. For a short time there was a spirit of unity due to a sense of collective injustice, but as soon as the chance appeared that some of this injustice may disappear, the old prejudices and mental barriers which have been inherited from a false teaching of history start doing their nefarious business. There can be no escape from this state of affairs unless the problems are approached in a spirit of true and impartial enquiry.[11] It is high time that we remind ourselves that on the portals of the University of Uppsala, an inscription attributéd to the philosopher and mistic Schwedenborg—"Free thinking is good but right thinking is better."

It may be remembered that during September 1965, the Chinese were eager to keep the situation stirred up and slammed over the progress being made in the negotiations for a cease-fire, sent India an ultimatum. The Chinese alleged, that India was guilty of stealing several hundred Tibetan Yaks, unless these were returned with suitable apologies within 72 hours, the Chinese would take "suitable" military action. Fortunately, this gamit failed.[12] The presence of Chinese on and around Siachen area is likely to create uncongenial atmosphere.

In late fifties Peking not only laid claims to large areas in Ladakh and later backed up its claims with armed might but it violated India's sovereignty over those areas. China also secretly built a road in Aksai Chin, from Sinkiang to Western Tibet, and occupied large areas. Further, eversince Peking has been egging on Pakistan to wage war against India over Kashmir and supporting the alleged right of self-determination of "Kashmiri people".[13] After China occupied Aksai Chin in 1962, aggression even Pakistan started showing interest in this region; And to placate China, Pakistan illegally ceded the Shaksgam valley across the Karakormas, measuring 5160 square kilometres, to China in 1963.[14]

Pauply Parakal, in Peking's Betrayal of Asia, wrote: By virtue of its accession to India, the State of Jammu and Kashmir is an integral part of India. But in the late fifties Peking laid claims to large areas in Ladakh and later backed up its claims with armed might. It violated India's sovereignty over those areas. It secretly built a road in Aksai Chin, from Sinkiang to Western Tibet, and occupied large areas.[15] Aksai Chin is a part of Ladakh-Kashmir. The Chinese Government even admitted that in 1956 they built a highway from Tibet to Sinkiang, running for about a hundred miles through this territory. In September 1957, it was announced that this road had been completed.[16]

It may be well to remember that People's Republic of China took over administration and complete control of Tibet. Even His Holiness the Dalai Lama had to flee to take refuge in India, in March 1959. Later in October 1962 China launched a full-scaled attack on India including Ladakh-Kashmir and illegally occupied a huge chunk of Indian territory. China also got from Pakistan another chunk of Kashmir territory with the result that China was able to build the Kara-korma High-way; PNK Bamzai writes that the Kara-koram Highway is a master piece of modern road engineering. The 800 kms all weather road stretches from the border of China's Sinkiang province to a few kilometres North of Pakistan's capital of Islamabad. It traverses over Indian territory in Ladakh and Gilgit illegally occupied by China. Opened on June 18, 1978 the Highway gives China a "backdoor" access to the troubled West Asia and Africa and a much quicker route to the West. For, the twisting highway which climbs 4,570 metres over the Khunjrab pass, carved out of the mountains and crossing swirling torrents fed by the surrounding glaciers, speeds goods and equipment towards the Karachi port for transhipment. The new Highway, connecting a railhead in China, cuts days and perhaps weeks off the sea route from China to the West across the pacific.[17]

The agreement with China on the line of Control (LOC) along the international border is, of course, welcome, since it has reduced tension between the two countries. It will result in a reduction of forces along the LOC but only after a few years because of the practical difficulties on the border.[18]

Ever since, Peking has been egging on Pakistan to wage war against India over Kashmir and supporting the alleged right of self determination of "Kashmir people".[19]

As regards Pakistan, its attitude remains as hostile as ever. So the threat from the West though manageable, is increasing day by day. Pakistan will stop at nothing in its effort to annex the Kashmir valley. Frustrated in the diplomatic game like the recent bilateral talks or seeking big power intervention, Pakistan may start another conflict. India is to be prepared for such contingency.[20]

Pakistan waged three unsuccessful wars against India to annex Kashmir. The current phase of a low-intensity war waged by terrorists armed by Pakistan has made it all the more necessary for Islamabad to go on making with charges of human rights violation by Indian Security Forces. Benazir Bhutto's anti-Indian tirade at Geneva is only the latest instance of gross abuse of human rights issue for collateral purposes. In the case of Pakistan, it is part of a political design to annex Kashmir.[21]

Under the prevailing circumstances, it is imperative for the Indian Government to find finances to keep the armed forces adequately equipped and trained to face both external and internal threats.

The coming budgets should take into consideration the changed security scenario and changed defence thinking.[22]

China entered the nuclear age at a breakneck speed-faster than any other nuclear power. It took only 32 months during the early 1960s. And now the selection of the Tibetan Plateau for China's primary nuclear weapons research and development base was the first in a series of decisions that put China's nuclear infrastructure—including test sites, nuclear processing facilities and nuclear weapons production and assembly—in regions populated by non-Chinese peoples. There is now little doubt that China's nuclear programme has had an inordinate impact on Tibetans.[23] The significance of placing nuclear missiles on the Tibetan plateau is critical for understanding the historical and current geo-political regional relationships. When China conducted its first nuclear blast in 1964, India immediately realized it must enter the nuclear race. However, Tibet, the traditional buffer between the two great nations, was now under Chinese control. The humiliating defeat suffered by India in the 1962 Indo-Chinese war was launched from the Tibetan high-ground. The prospect of being faced with not only superior conventional forces on the Tibetan Plateau, but nuclear ones as well, put India in a vulnerable position.[24] India's sense of vulnerability to China increased dramatically with China's military alliance with Pakistan. The nuclear rivalry between India and Pakistan, where both countries are involved in maintaining and developing a semi-covert nuclear weapons capability programme, is perpetuated by China's nuclear threat to India, and its forward positioning of nuclear weapons on the Tibetan Plateau. China's positioning of nuclear and non-nuclear weapons on the Tibetan

Plateau has put many of India's major industrial and military facilities within striking distance of short-range missiles. Any movement toward, making Tibet a nuclear free zone, as proposed by the Dalai Lama and others, will have to address the calculated nuclear ambiguities between China, India and Pakistan, and each of their respective security needs.[25] As Brahma Chellaney, a noted Indian nuclear specialist, the world has no experience of more than two nuclear armed nations sharing frontiers. Now the stage is set for emergence of four or more such States in Central-South Asia- China, Pakistan, India and former Soviet Republics. At the centre of these regions is Tibet and Kashmir, two volatile regions, Kashmir facing secessionist and Tibet on independence movement. To the north, Islamic fundamentalism could sweep Xinjiang, former East Turkestan, as it has in Kashmir, escalating tensions and posing threats to the security of nuclear facilities, missiles and materials.[26]

References and Notes

1. Daljit Sen, China and Her Neighbours, (1984) Preface.
2. Publication Division, Ministry of Information and Broadcasting, Govt. of India, The Chinese Threat (1963).
3. *Ibid.*
4. Sanjeev Miglani, "Pak's defence built-up worries Defence Ministry", Indian Express, January 2, 1994, p. 1.
5. *Ibid.*
6. Manoj Joshi, "Home Alone in the world" The Times of India, January 12, 1994, p. 8.
7. P.N. Srivastva, "Science in India: Excellence and Accountability", (1994) p. 37.
8. *Ibid.*, pp. 36-37.
9. Major General (Retd.) Rajendra Nath, "Don't forget defence in budget", The Tribune, February 3, 1994, p. 8.
10. V.S. Mathur: India is not yet "India", The Tribune, January 11, 1994, p. 8.
11. Meghnad Saha: Birth Centenary (1992-93) Souvenir, Department of Physics University of Allahabad, p. 5.
12. Chester Bowles, Premises to Keep, (1972) p. 503.
13. Paurly Phrakal, Peking's Betrayal of Asia, (1976) p. 22.
14. Pritam Bhuller, "Sia Chen can provide good beginning" The Tribune, December 21, 1993 p. 9. Also see, Pradyumna P. Karan and William M. Jenkins, Jr. The Himalayan Kingdoms: Bhutan, Sikkim and Nepal, (1963) p. 134, "Certainly Pakistan's recent agreement to cede to China more than 2,000 square miles of Strategic borderland in Kashmir Himalaya has ruled out, for the present, hopes for a Kashmir settlement."
15. Pauply Parakal, Peking's Betrayal of Asia (1976) p. 22.
16. The Chinese Threat, Govt. of India Publication (1963) p. 1.

17. PNK Bamzai, Kashmir and Central Asia, (1980) pp. 41, 42.
18. Rajender Nath, "Don't forget defence on budget", The Tribune, February 3, 1994, p. 8.
19. Pauply Parakal, Peking's Betrayal of Asia, (1976) p. 22.
20. Rajendera Nath, "Don't forget defence in budget", The Tribune, February 3, 1994, p. 8.
21. "The Pakistani Mask," Indian Express, February 3, 1994, p. 6.
22. Rajendra Nath, "Don't forget defence in budget", The Tribune, February 3, 1994, p. 8.
23. Nuclear Tibet (1993) A report by the International Campaign for Tibet, p. 3.
24. *Ibid.*, p. 4.
25. *Ibid.*, p. 4.
26. *Ibid.*, p. 4.

Chapter 6

Tibet Factor

> ***Once Tibet is a free country or as proposed in his peace proposal, a zone of peace or a land of ahimsa, where there are no military establishments, then India can withdraw most of her forces stationed on the whole northern border and save a lot of money then India, of course, can fatten her budget for five year plans.***
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> ***—His Holiness, The Dalai Lama, Tibet, China and the World, (1989) p. 43***

The celebrated valley of Kashmir-India, is the point from where the Central Asian landscape begins. The Zojo and Burzil passes are situated less than hundred kilometres from Srinagar the Kashmir capital; Both the passes are 10,850 ft and 13,500 ft. respectively above the sea level. These passes are aptly called "gigantic steps" 2,000 ft upwards, to the elevated table lands of Central Asia or Tibet.[1]

The countries to the East of China is Mynmar, to the South-East is Bhutan, and Nepal to the South, Pakistan to the West and East Turkistan to the North-West. Tibet is surrounded by mountain ranges, and dotted with 2000 ponds and lakes. The highest lake, Lake Namtso Phyugma, is 1940 square kilometres in area. The Lake Kokonor in Amdo is 1635 square kilometres. in area. To the West of Tibet are the Himalayan ranges that extend more than 2400 kilometres. Mount Everest with 3848.13 metres above the sea level, is the highest peak in the world. In the region of Ngari, Western Tibet, there is Mt. Kailash and Mansarover.

There are four rivers descending from the four directions of Mt. Kailash in Ngari region. The Techok Khabab originates in the east of Mount Kailash and flows from the upper region of Ngari down to the valley of Tsang, where it merges with the Kyichu River of central Tibet, flowing through Yarlung, Dagpo and Kongpo. It then winds to the right side Manchag Barwe mountain into

Mustang and flows through the eastern region of India, becoming the Brahmaputra. Finally it descends into the Indian Ocean. The Ma Cha Khabab originates in the South of Kailash, and flows from the region of Purang into Nepal, and then through the State of Uttar Pradesh in India it merges with Ganges River and finally descends into the Ocean. The Langchen Khabab originates in the North of Kailash, and flows through Dhapa Thoding of Ngari region and becomes the Sutlej River flowing through Kinnaur, Rampur valley and Punjab, from where it flows via Pakistan, and finally descends into the Arabia Ocean. The Senge Khabab originates in the West of Kailash and flows through Ngari Gar and then become the *Indus* flowing through Ladakh, Kashmir and Pakistan, finally descending into the Arabia Ocean.[2]

Tibet an enchanting land and a mineral-rich country with history of thousands of years behind it has a location, language, culture and tradition distinct from that of her neighbouring countires. Till the Chinese invasion, Tibet was completely an independent and sovereign nation.[3] The historical background of the region amply testifies that since remote past, there have been upheavals and towards the close of the seventh century, Tibet emerged as one of the major military and cultural powers in the Trans-Himalayan region. Tibet conquered four central Asia garrisons situated at Karashahr, Khotan, Keshgar and Kucha during the period 701-738 A.D. Ind 783 and later during 822 China and Tibet signed peace treaties which are still preserved. One such treaty made during 821-822 A.D inscribed on the West side of a Monolith in Lhasa reads: "The divine King of miracles, Khri-Srong-Lde Btsan and the Chinese King Bhun Bhu He-Hu Tig Hvante, Nephew and Uncle, with far reaching wisdom guarding against anything that may harm the good of their countries at present or in the future.....have made this great treaty:

Tibet and China shall keep the frontier of which they now hold possession. All to the east is the country of Great China. All to the West is assuredly the country of Great Tibet. Henceforth, on either side, there shall be no enmity, no making of war and no seizure of territory."[4]

However, fascinating Tibet's ancient history may be its status at the time of the Chinese invasion and occupation, must be judged on the basis of its position as existed in recent times. Chinese during 1911, overthrew Manchu rule and became the masters of their own destiny.[5] History is a witness that Thirteenth Dalai Lama, on the arrival of Chinese troops during February 1910, took refuge in India. The Chinese garrison in Lhasa mutinied. The main initiative in resisting the Chinese, was taken by the monks of Sera, Drepung and Gandeny—the "Three pillars" of the State of Tibet. The Chinese surrendered. The Thirteenth Dalai Lama returned to Tibet in July, 1912 when necessary climate for holding peace negotiations had been created. Peace talks by Nepalese mediation, culminated in an agreement dated August 12, 1912. "Three Point Agreement" provided for formal surrender and expulsion of all the remaining Chinese Imperial troops from Tibet. The Thirteenth Dalai Lama issued a proclamation on February 13, 1913 that Tibet was an independent country.[6] Thereafter no power or authority was exercised by Government of China over Tibet since this declaration of independence.[7] The China's position during the period 1911-1949 remained ambiguous. China's President repeatedly sent letters and envoys to Tibetan Government asking for Tibet joining the Republic of China. In response to the first letter of Chinese President Yuan Shih-Kai, the Thirteenth Dalai Lama rejected the invitation to join the Republic explaining courteously but firmly that Tibetans did "not approve" of the Chinese Government due to past injustices and stated: "The Republic has just been proclaimed and the national foundations are far from strong. It behoves the President to direct his energies towards the maintenance of order. As for Tibet, the Tibetans are quite capable of preserving their existence intact and there is no occasion for the President to worry himself at this distance or to be disturbed.[8] Tibet till the execution of Seventeen Point Agreement executed on May 23, 1951, conducted as an independent country.

Tibet indeed, a land of gold and poverty has always remained very close to India. Tibet, a theocratic country, perhaps had no desire for the "progress" of the outside world and remained busy with inner self-progress. They wanted only to be able to meditate and to overcome the limitations of flesh. According to Tibetans, Money, wealth and power, are not reliable sources of happiness. His Holiness, the Dalai Lama explains that: even a rich person—a millionaire can have mental trouble and anxiety despite his wealth and power. Their wise men had long realised that the west had coveted the riches of Tibet, and knew that when the foreigners came in, peace would go out. Now in the arrival of the Chinese Communists in Tibet it has proved to be correct.[10] The present

Dalai Lama at the age of sixteen years assumed the full political rule of the country and immediately thereafter for ten years was a period of great political upheavel for Tibet. His lone voice cried in vain for peace and friendship. Tibet continues to suffer. His Holiness himself had to escape to India with thousands of his followers. On 18th March 1959, in the stillness of night, the Dalai Lama left by the back gates of the Norbulinga to start on one of the most momentous and hair-raising escape adventures of the twentieth Century.[11]

Historically, culturally, geographically and from the point of religion, Tibet has been close to India and remained an independent, sovereign State having a distinct personality of its own quite distinct from China. His Holiness, the Dalai Lama is justified when he asserts that Tibet always had an independent, sovereign, distinct cultural personality of its own quite distinct from Huns.[12] The will and aspiration of the people are the main constituent factors of sovereignty. Part of sovereignty would be lost with the loss of the aspiration for self-rule of a certain segment of the people. Other conditions as defined by the so-called "Law of sovereignty" must be based on the people's aspiration for self-rule and self determination. Without this most important basis, other forms of sovereignty will eventually lose validity. Military occupation and administrative control would not be able to change this principle, especially in modern times.[13]

Andre Migot a French traveller says that Tibet is like no other country in the world; for those who do not know it. He asserts that it is impossible to form a just conception of the Tibetan's grandeur of the wild immensity, of its desolate uplands, its mountain peaks, its tremendous gorges. Apart from a few populated valleys, it is a vacuum, a landmass on the earth's crust where man, encompassed by the hostile forces of nature, is a cypher.[14] It is the nature which meets not only the material requirement but also the spiritual needs of Tibetans. Religion is the strongest of all influences on the minds of Tibetan people and lies deep down in the hearts of Tibetans. Over the centuries there have been many masters who have trodden different paths to achieve the Truth.

The Lord Buddha is one of them. The study of Buddhism leads one to think that in spite of the differences in the names and forms which are used by various religions, the ultimate truth is the same.[15] Hinduism took it for granted that there is more than one valid approach to truth and the salvation and that these different approaches are not only compatiable with each other but are complementary.[16] Both Hinduism and Buddhism deeply influenced Tibetans, which, permeated their every day life. Yet Tibetans have a distinct identity of their own. The Chinese regime, however, has set out to obliterate the very Tibetan identity. It is perhaps difficult to call it anything else but genocide. There appears to be a continuous and conscious effort to change the ethnic composition of Tibet. A demographic aggression of worst type has been launched with a view to obliterate the identity of Tibetans and to assimilate them completely with Chinese; to shatter their faith and to take them away from Buddhism and India.

Bansi Ram Sharma, in his contribution to "Tibet - A Reality". writes: "it is an agonising fact that the self-contented natives are being denied to live peacefully in their own country and brutal denial of human rights and other social considerations in Tibet, are a matter of concern to every right thinking person.[17] Tibet had regarded India (Even before 7th Century, B.C.) as its Guru. The relationship between the two countries has been quite intimate and unique, perhaps in the whole world. The minds of the people of Tibet and India, have always been working alike (culturally and religiously). Philosophical and mythological heritage of both is almost same. Buddhism faded from India but remained in Tibet.[18] India is the birth-place and the founder of Buddhist culture and source of the wisdom brought to the Tibetan mountains hundreds of years ago by Indian saints and seers, His Holiness the Dalai Lama asserts.[19] The relationship between the two countries India and Tibet goes very deep. Many Indians consider Tibet to be a manifestation of Heaven on Earth—a land of Gods and a land of holy places. Mansarover and Kailash, the dream of Indian Yogis, and important pilgrimages to devout Indians, are in Tibet. Tibet looked to India rather than to China for spiritual guidance.

The social customs of Tibetans have close relationship with some traditions still extant in several parts of India. In Ladakh-Kashmir, there is a custom of Pha-spun—a system of brotherhood. Franckle (1914:47-48) calls the pha-spun as father-brotherships. It means a united brotherhood, according to which the pha-spun members are obliged to help each other in all situations. Their relationship is governed by strict social laws and rituals. They worship a common god (pha-lha) known as father-god, live in the same habitat and participate in various social functions.

Kashmir and Eastern Turkestan were the nearest Islamic regions bordering Tibet. The Muslim migrants from Kashmir and Ladakh areas first entered Tibet around 12th century. Gradually, marriages and social inter-action led to increase in the population until a sizable community came up around Lhasa, Tibet's capital. Thomas Arnold says, "Islam has also been carried into Tibet proper by Kashmiri merchants. Settlements of such Kashmiri merchants are to be found in all the chief cities of Tibet: they marry Tibetan women, who after marriage adopt the religion of their husband..."[20] Muslims are known as khoche among Tibetans. According to Masood Butt, this appears to be because the earliest Muslim settlers in Tibet were from Kashmir which was known as Khache Yul to Tibetans.[21] Tibetan Muslims were able to preserve their community's identity while at the same time observing the traditional Tibetan social and cultural traditions. Tibetan Muslims have made significant contribution to Tibetan culture, particularly in the field of music. Nangme, a popular classical music of Tibet, is said to have been brought to Tibet by Tibetan Muslims. In fact, the very term Nagma is believed to be corrupted version of Urdu word 'Naghma'-song. After the Tibetan National uprising of 1959. His Holiness the Dalai Lama went into exile in India followed by a significant number of Tibetans, including Muslims.[22]

Tibetans in general have suffered greatly under Chinese occupation. Tibetan Muslims have undergone great mental and physical strain on account of their peculiar situation. There are around 1200 Tibetans, consisting of 210 families, in the new settlement, in Srinagar-Kashmir. Tibetan Muslim refugees continue to look upon their Muslim brethren throughout the world to support peaceful solution of the Tibetan problem so that they, too, like their Tibetan Buddhist brethren, can return to their homeland. When asked whether they would return to Tibet in the event of solution, a young Tibetan Muslim responded, "It is better to live under the bridge in one's own homeland than to be a refugee in an alien land.[23]

To Tibetans India is a sublime land and they naturally look up to India with open hearts. The Tibetan way of life and traditions are inspired by wise guidance from India. The Indo-Tibetan cultural affinity, His Holiness the Dalai Lama, explains: "In the past, the Tibetan civilisation was very much based on Buddhism. On account of this, Tibetan culture was influenced by Indian culture. Culturally speaking, Tibetans regard themselves as sons of this country."[24]

Thus, the subjugation of Tibet by China is the subjugation of cultural India.

China after the subjugation of Tibet, occupied huge Indian' territories, inclusive of Gilgit and Ladakh. Ladakh forms the northern-most district of Kashmir State and area-wise is the largest covering 97,782 sq.kms. According to Vijay Kranti the occupation of Tibet has brought direct and permanent pressures on the Indian Security and her national economy.[25] The two problems and their solutions are inter connected.

The Chinese occupation of Tibet has been characterised by systematic and gross violation of human rights. This has resulted in the death of over 1.2 million Tibetans, out of a total population of 6 millions, during the period 1951 to 1979; and exile of more than 80,000 Tibetans.[26]

After about five decades of Tibet's subjugation, the Chinese Government in Tibet poses serious human and environment threats, is the findings of International campaign for Tibet containing in its comprehensive report, on allegations ranging from descriptions of nuclear weapons production. Deployment of nuclear missiles, deaths from radiation poisoning, and dumping of nuclear waste etc. The Chinese nuclear activities in Tibet and their effects include[27] : Building a top-secret nuclear city in the Tibetan plateau known as the "Ninth Academy", which designed all of China's early nuclear bombs. The Ninth Academy is China's "Los Alamos—its primary nuclear weapons research and design facility; Dumping an unknown quantity of radioactive nuclear waste from the Ninth Academy; Credible reports of illness and death among Tibetan nomads near the North-west Nuclear Weapons Research and Design Academy; Credible reports of illness and death to Tibetans near uranium mines; deploying nuclear weapons in at least 3 sites, one of which is accessible only by a rugged dirt road posing transportation risks; proposing to build a nuclear reactor in Lhasa to meet the increasing energy demands of Chinese settlers and enterprises, and substantially increasing regional tensions by deploying nuclear missiles and facilities on the Tibetan Plateau and negating its role as a buffer zone."

Regarding the present conditions and State of economy in Tibet, office of Information and International Relations, Dharamshala discloses [28]: The Chinese Government claims that it has brought about many economic benefits since its "peaceful liberation" of Tibet in 1949. However, it is the Chinese themselves who have been the chief beneficiaries of these changes, not the Tibetans; the Chinese introduced so-called democratic reforms, beginning in 1956 in eastern Tibet and after 1959 in central Tibet, confiscated all private and public properties, and began the collectivization of Tibetan society. Rather than benefiting from this "socialist redistribution" The Tibetans were robbed of their own wealth and produce to feed and provide the Chinese occupation army; the Chinese also began the systematic looting of Tibetan monasteries of their wealth of gold, silver and precious stones as well as all works of art.

In a subsequent stage all metallic objects both from monasteries and from the population at large were confiscated and trucked to China; Tibet's unexploited wealth of mineral resources and virgin forests were surveyed, exploited and taken to China; The Chinese claim that tremendous progress had been made in the field of transport and communication citing airfields and various highways as proof. The Chinese modern means of transport do not benefit Tibetans. Tibetans in most places continue to use horse, mule, donkey, sheep and Yak as modes of trasportation. Airfields and highways are being used primarily for Chinese military and official purposes and to transport Tibet's rich natural resources to China, Tibetans throughout the country live in the same old weather-beaten houses, riddled by leaks, generally unserviced by running water and electricity. On the other hand Chinese in Tibet live in new suburbs with walled compounds containing new houses, with five to ten storey apartment buildings. Running water and enough power for heating is supplied; Tibet was an essentially subsistence, but self-sufficient economy, able to adequately support its population but unable to support a greatly increased population of Chinese. The Chinese have attempted to solve the economic and political problems of Tibet by large economic subsidies. These subsidies have only stimulated further immigration of Chinese who are able to exploit business and trading opportunities and remit large amounts of money to relatives in China.

The Chinese occupation and militarisation, the large influx of Chinese settlers in Tibet coupled with colonial exploitation of Tibet's natural resources, that too in total disregard of environmental consequences is having devastating effects on the people. Tibet has lost most of its rich forests, causing alarming desertification of vast areas, degradation of grass-lands or their conversions and utilisation as agricultural lands for the benefit of Chinese settlers. This has also caused irreparable damage to precious nomadic pasture lands. Nuclear testing and weapon production, uranium mining and dumping of hazardous waste is having predictably dangerous effect on human and animal life in Tibet.[29]

Tibetans during last more than four decades of their peaceful and non-violent struggle for independence have achieved success but to a limited extent. They have won many battles and have succeeded to create a public opinion throughout the world for their cause. But they are yet to win many more battles, in order to win the ultimate war—the complete independence. The solution to Kashmir problem and forcible occupation of Aksaichin and other Indian territories to a greate extent lies in Tibet's independence. Given current world trends, someday, somehow, China will have to relinquish its occupation of Tibet and allow it independence. It would also be for the betterment of India, Tibet and China. The independent Tibet would be beneficial for world peace. His Holiness the Dalai Lama elucidates: Once Tibet is a free country or as proposed in his peace-proposal, a zone of peace or a land of ahimsa, where there are no military establishments, then India can withdrew most of her forces stationed on the whole northern border and save a lot of money—then India, of course, can fatten her budget for five-year plans.[30]

It is India which is most affected by the protracted Tibetan crisis and India's northern border is the longest disputed frontier in the world. Indian difficulties along the disputed frontier were emphasised when the Chinese occupied the Sumdo-rang-chu area in Arunachal Pradesh in October 1986 and earlier in June 1986 they occupied Bhustanese territory close to Dromo in Chumbi valley. It need not be forgotten that a major war between India and China would involve nearly half the human race and could result in a nuclear exchange as the Chinese now have nuclear basis in Tibet notably at Nagehukha, in what is designated as the "Autonomous Region of Tibet."[31] It is in this context that the Dalai Lama's "Five Point Peace proposal" assumes importance, together with an associated proposal giving the Tibetan people the right to vote on the issue of their independence from China. Friendly relations between China and Tibet, can be established only on the basis of equality, mutual respect and mutual benefit. The free will of the Tibetan people is the only sure basis for determining their destiny.

However, the Tibetan spiritual leader, His Holiness, the Dalai Lama, commemorating, the 35th anniversary of his 1959 fight from Lhasa to refuge in India, issued a statement admitting the complete failure of his past many years of efforts to negotiate with China over Tibet's future. He conceded the failure of his moderate non-violent approach to produce any benefit for Tibetans, and feared that moderation might give way to violence unless greater pressure was brought to bear upon China by nations concerned over Tibet's fate.[32] Harvey Stocuwin reports from Hongkong that China has failed to meet one of the explicit conditions laid down by the President Bill Clinton, for the extension of China's most favoured nation—MFN trading status; and that such concern is reality within US democracy, which is why President Clinton specifically included Tibet in his May 28, 1993 executive order laying out the conditions which must be fulfilled if China's MFN status is to be renewed during June 1994.[33] Tibet is one of the Five subjective conditions in the presidential executive order, under which the Secretary of the State Warren Christopher must report to the President that China has "made overall, significant progress with respect to protecting Tibet's distinctive religious and cultural heritage."[34] His Holiness, the Dalai Lama clearly indicates failure, when he says: "I must recognise that my approach had failed to produce any progress either for substantive negotiations or in contributing to the overall improvement of the situation in Tibet."[35] However, Sukant Gupta in a published article "Tibetans never-ending struggle" is justifiably of the view that "The Chinese military presence in Lhasa is immense. But the Tibetans nurture their hope and vision: they hope that democratic changes would come in China and visualise an independent Tibet as a natural offshoot."[36]

Liberty to Tibetans is less of a political and more of a cultural concept. Most of all, the Tibetans want to be left alone to practice their own religion. They want the freedom to reject the gadets—and the frenzy—of modern civilisation. They wish to preserve the traditional forms and values of Buddhism. Tibetans are self-sufficient in their sparsely settled kingdom, and they ask to be left undisturbed so that they can live as they have lived for the centuries amid the harsh natural beauties of their high plateau. Until recently their country was considered the back end of nowhere. Only Scholars, explorers, and a few traders knew about it. Now, however, Tibet has acquired the malignant disease of strategic importance.[37]

and the key to the strategy is, of course, India. The Indian security requires that they have dominating influence over the Himalayas. Nicholas Roerich, the great Russian Artist portrays Himalayas saying, "Here is the abode of Rishis. Himalayas, the treasure of the world. Himalaya the sacred symbol of Ascent. Everything from the highest, everything from above, naturally directing human imagination towards light, towards a sparkling; towards urgency."[38]

Peter Hopkirk in prologue to 'Trespassers On The Roof of the World;" narrates that in the middle of the nineteenth century with the secret activities of those amazing British-trained Indian spies, the 'pundits', Posing as holy men, and for little reward, they mapped huge areas of Tibet for their imperial masters. For those were the high days of what Kipling and others called. The Great Game, the clandestine struggle between Britain and Russia for political ascendancy in Central Asia. It is here that we encounter the great Tsarist trespasser, Colonel Nikolai Prejevalsky, hell-bent on being first into Lhasa.[39] The diplomacy of the Britishers begins and ends with "Self Interest" and deserved to be reversed on India's attaining independence.

A former British Minister, Lord Ennals, during the international Parliamentary Conference on Tibet held on March 20, 1994, at Delhi, said: "India holds the key for Tibetan independence", and concurred with George Fernandes that unless India takes up the cause "the rest of the world cannot achieve Tibetan Independence." The answer to Kashmir problem and Indian economy also to a great extent lies in Tibet's independence.[40]

References and Notes

1. PNK Bamzai, Kashmir and Central Asia, (1980) pp. 1-4.
2. Tibet—An Enchanting Land, By Department of Security of His Holiness the Dalai Lama, (1991).
3. *Ibid.*
4. Richardson 1952: 71, as quoted by DEBORAH E. KLIMBURG-SALTER, in "The Silk Route and the Diamond Path", (1982) pp. 152-153.
5. Tibet: Proving Truth From Facts, (1993) p. 2.
6. *Ibid.*, p. 17.
7. The Dalai Lama, My Land and My People, (1977) p. 254.
8. Guomin Gonghao, January 6, 1913, Tibet: Proving Facts From Truth, (1993) p. 5.

9. His Holiness, The Dalai Lama's speech at a Reception of Indian Diplomats, delivered on January 29, 1985.
10. T. Labsong Rampa, The Third Eye, Illustrated by Tessa Theobald, (1969) p. 12.
11. Dalai Lamas of Tibet, (1984) p. 60. His Holiness and his followers took asylum naturally in India because of the closeness and affinity between the two countries. It was very natural that His Holiness and his people were received in India as brothers and sisters.
12. His Holiness, The Dalai Lama speech at a Reception hosted by the Association of Indian Diplomats, on January 29, 1985.
13. Wei Jingsheng, "The Special Status of Tibet". Tibetan Bulletin, (January-February, 1994) p. 11, The Chinese Communist Party like other communists, it has little respect for sovereignty and national self-determination.
14. Andre Migot, Tibetan Marches, Translated by Peter Fleming, (1960) p. 102.
15. Claudo B. Levenson, The Dalai Lama: A Biography, (1989) pp. 134-135.
16. Gajendragadkar, CJ, in re: YANGNAPURUSHDAS JI VS MULDAS, AIR 1965 SC 1119, at p. 1131, para 40, Also see Joynbeen, The Present day Experiment in Western Civilisation, pp. 48-49.
17. Bansi Ram Sharma, Contribution, published in Tibet : A Reality, by M.G. Chitkara, (1994).
18. Raghunath Singh, "Let the world Wake up", National Integration; Tibet Issue, (1964) p. 9.
19. Dalai Lama, My Land and My People, (1977) p. 139.
20. Thomas Arnold, The Preaching of Islam.
21. Masood Butt, Muslims of Tibet, Tibetan Bulletin, (January-February 1994) p. 8.
22. *Ibid*., pp. 9-16.
23. *Ibid*., p. 18.
24. The Dalai Lama, Tibet, China and the World, (1989) p. 43.
25. Vijay Kranti, Preview to Tibet—A Reality (1994), by M.G. Chitkara.
26. Bhuchung K. Tsering, "Proving Truth From Facts", Tibetan Bulletin (May-June 1993) p. 11.
27. Nuclear Tibet, (1993) pp. 1 and 2, A Report by the Internationa Campaign for Tibet, Washington D.C.
28. Present conditions in Tibet, (1990) Office of Information and International Relations, Dharamshala pp. 84-87.
29. Bhuchung K. Tsering, "Proving Truth From Facts", Tibetan Bulletin (May-June 1993) pp. 12-13.
30. His Holiness, The Dalai Lama, Tibet, China and the World, (1989) p. 43.
31. Paul Ingram, Introduction to Tibet: The Facts, A Report prepared by the Scientific Buddhist Association for the United Nations Commission on Human Rights, (1990) p. xi.
32. Harvey Stockwin, "Dalai for greater pressure on China", The Times of India, March 13, 1994, p. 10.
33. *Ibid*.
34. *Ibid*.
35. *Ibid*.

36. Sukant Gupta "Tibetans' never-ending struggle" The Tribune, March 19, 1994, p. 8.
37. LOWELL THOMAS, Jr. The Silent War in Tibet, (1960) p. 23.
38. Nicholas Roerich, The Great Russian, artists, The Times of India, June 1, 1994, p. 13.
39. Peter Hopkirk, Trespassers On the Roof of The World The Race For Lhasa, pp. 2-3.
40. "Support to Tibetans Pledge", The Tribune, March 21, 1994, pp. 1 and 16.

Chapter 7

Indo-U.S. Relations

> ***In essence, the pattern of U.S. Indian relations reveals the manifestations, motivations and manner of the pursuit and limits of accommodation. Accommodation in relation was in some sense cumulative. That is, it moved from Pakistan, through Tarapur to enhanced scientific, economic, technological and defence ties. This reflected the trend towards accommodation which had as its basic and mutually agreed upon theme—the downplaying of global and regional differences, mitigation of outstanding bilateral disputes and strengthening of existing and development of new areas of co-operation.***
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> ***Satu P. Limaye, U.S. - Indian Relations (1993) pp. 259-260***

India and the United States of America are the two largest democracies in the world and have much in common. The rule of law, freedom of thought and expression, and government by consent, expressed through free elections based on universal adult franchise, are the principles to which both countries are dedicated.[1] Liberty, equality and respect for the rights of individuals are the declared objectives of the people in both the countries.[2] In the 1940s the United States had no separate policy towards India and in a sense, she was guided by Great Britain. The United States, however, had established with India, the commercial contacts the two countries very little do with each other at the political level.[3]

At the political level, the first formal content between India and the United States was established in 1946, when Nehru, the head of the Provisional government of India, appointed Asaf Ali, the first Indian Ambassador to the United States. This was hailed as an event of great significance.[4] On August 15, 1947, India gaining independence, Partition of the country and the creation of Pakistan, the princely states were given the option to join India or Pakistan. There was no third option. For many months the Maharaja Hari

Singh, could not make up his mind about acceding to India or Pakistan, and Pakistan's rulers were convinced that Kashmir might finally opt to join India, she decided to take Kashmir by force and invaded the State in October 1947. On October 24, 1947 the Maharaja appealed to India for help and signed the Instrument of Accession with India on October 26, 1947. The invaders and the Pakistani armed forces were driven out of the valley. However, about one-third of the Kashmir remained in the hands of the raiders.

India lodged a complaint with the Security Council in January, 1948, and requested to direct Pakistan to vacate the aggression. Sir Owen Dixon, the UN Kashmir Mediator, has submitted his report to the Security Council on the failure of his Mission. He admitted that when the frontier of Jammu and Kashmir was crossed by hostile elements in October 1947 it was contrary to international law and that when units of regular Pakistani forces moved into the territory of the State of Kashmir, that too was inconsistent with internal law.[5] Despite such a report during the discussion of the issue in the United Nations Security Council, the United States of America supported Pakistan. America, accepted Pakistan's claim to Kashmir based mainly on the ground that the majority of Kashmir's population was Muslim.[6] The United States never condemned the Pakistan aggression. American interest in Kashmir was not confined to the debates in the United States but it was also extended to secret moves to win over Kashmir leaders, which amounted to interference with India's internal affairs. With the emergence of a communist China, the need for finding dependable allies in the Indian sub-continent, to contain communism had become urgent. Jawahar Lal Nehru, the first Prime Minister of Independent India, made it quite clear to the American administration, that India had definitely decided to follow a policy of non-alignment. Prime Minister Nehru'a visit to America in the later part of 1949 removed whatever little hope America have had of bringing India to allign itself with America in its fight against communism.[7]

During his visit to Kashmir in May, 1953, Adlaistevenson, the U.S. Senator, was believed to have urged Sheikh Abdullah, the Kashmir Premier, to repudiate Kashmiris assession to India and declare Kashmir as an Independent State.[8] On February 25, 1954, President Dwight D. Eisenhower announced that United States had decided to give military assistance to Pakistan for the purpose of

"Strengthening the defensive capabilities of the Middle East."[9] A mutual defence assistance agreement between the United States and Pakistan was signed in May, 1954.[10] There were many issues dividing India and Pakistan, amongst which the issue of Kashmir was and continues to be complex. Feeling on the Kashmir issue in both countries, was strong and bitter. Pakistani leaders spoke belligerently on the Kashmir issue. India was convinced, therefore, that substantial military aid to Pakistan would increase the danger of military action against India. Hence, U.S. arms aid to Pakistan was bitterly resented in India and it imposed new strains on Indo-U.S. relations in mid 1950s.[11] Pakistan, of course, never cared to canceal that the arms built-up was for use against India. Thus it was rightly perceived in India that the decision to grant military aid to Pakistan was taken atleast partly with the object of teaching a lesson to neutralist India.[12] Though, infact the military aid to Pakistan may be for economic reasons and sale of its hardware.

Despite differences between Washington and New Delhi on Major political issues, the United States continued to give economic assistance to India. America could not ignore India's geographical position, size, nature of her government and institutions.[13] India also could not ignore the United States since she wanted American economic aid and technical assistance for her ambitious programme of economic development to combat the nations' desparate poverty.[14]

Senator John F. Kennedy, the Democratic leader, who was elected the thirty-fifth President of the United States of America in November, 1960, at the age of forty-three, was known for being an old friend of India.[15] Kennedy, during his career as a Senator, was staunch supporter of economic aid to India.[16] Once in his speech delivered in California on November 1, 1959 he said:"....no struggle in the world deserves more time and attention from this Administration—and the next than that which now grips the attention of all Asia: the battle between India and China. The real battle is not the recent flare-up over chinese troop movements around disputed boundaries. Nor is it the war of words over China's annihilation of Tibet. The real India-China struggle is equally fierce but less obvious..."[17] He further said: "And that is the struggle between India and China for the economic and political leadership of the East, for the respect of all Asia, for the opportunity to demonstrate whose way of life is the better... We want India to win that race with Red China. We want India to be a free and thriving leader of a free and thriving Asia...[18] In his presidential campaign speech on June 14, 1960, John F. Kennedy had emphasised the importance of U.S. aid to make India's new Five-Year Plan programme a success an effort which, according to him, must be undertaken "in a spirit of generosity motivated by a desire to help our fellow citizens of the world, not as narrow bankers or self-seeking politicians.[19] A reference to India contained in the Democratic platform also clearly reflect the friendly approach of Kennedy towards India and his will to support India efforts "to master the age-old problems of illiteracy, poverty and disease.[20]

The United State aid was used as a political lever against India, especially to force and pro-west change in her independent foreign policy, to "wean her away from the earstwhile Soviet Union and that offending and over bearing attitude was adopted during negotiations and while executing agreements.[21] This US behaviour is summed up John B. Mellor in these words: "The way the United States perceives India will have a major effect on relations between the two countries. The United States may continue to view the relationship as basically charitable and provide large aids to India to alleviate the massive poverty and human suffering, without helping to remove the cause of these ailments. Such a view might win popular support in the United States, but it would make it considerably more difficult to resolve the difference of opinion, since negotiations with India must be, at least in some respects, on a peer basis.[22] The fabric of Indo-American relations extend much beyond disagreements, the two countries may have. It also include close co-operation in education, culture, science and technology. Besides the USA and India were working together to help build a world that reflected their shared democratic values.[23]

The relationship between the world's two largest democracies—India and USA over the past four decades has been one of fluctuation. The ambivalence that has been witnessed at every turn of world events, domestic or international, has never reached a breaking point. How far this swing to and fro is determined by America's perception of India's role in their global policies, future alone can tell authoritatively. The both sides are equally sensitive to the slightest departure that is likely to upset this balance can hardly be gainsaid or denied.[24]

An important factor which strained Indo-U.S. relations related to the problem of Kashmir. Indo-U.S. relations had become very critical during the times of U.S. support to the Pakistani case on Kashmir.[25] This was more particularly relevant during the debate over Kashmir issue in the U.N. Security Council in 1962 and 1964.[26] John Kennedy declined to take an active role in settling Pakistan's dispute with India over Kashmir and favoured bilateral talks between India and Pakistan to resolve the Kashmir issue and he made similar suggestions to Nehru during the latter's visit to Washington in November 1961.[27] In January 1962, John Kennedy suggested to the governments of India and Pakistan that the good offices of Eugene R. Black, President of the International Bank for reconstruction and development, be used by them in a fresh effort to resolve the Kashmir problem through direct negotiations.[28] There were two probable reasons behind this suggestion: first, the U.S. Government desired that economic assistance given to both the countries should be used most effectively. And anything that increased the tension between them or caused U.S. aid to be turned into military channels as a result of tensions with each other made her aid less effective.[29] Secondly, John Kennedy wanted to prevent a heated public debate on Kashmir and he was cool to Pakistan's request that the Kashmir dispute be considered by the U.N. Security Council.[30] But India rightly rejected the offer of John Kennedy on the ground that it did not like any third party arbitration on an issue of this kind.[31]

Despite John Kennedy's open preference for bilateral negotiations Pakistan revived the Kashmir issue in the Security Council in January 1962;[32] and the United States supported the resolution because of its alliance with Pakistan.[33] Thus, Indo-U.S. relations deteriorated to a critical point in mid-1962 after the Security Council debates of Kashmir issue.[34] And yet in his Press Conference on 22 August 1962, John Kennedy reiterated U.S. interest in helping India maintain her freedom and democratic system.[33] Kashmir issue once again figured in the context of Indo-U.S. relations after the Chinese troops treacherously invaded India in October 1962. The Chinese aggression in October 1962 provided cause for an "un-paralleled deepening." of the Indo-U.S. involvement Washington responded to Nehru's world-wide request for military assistance within twelve hours, and in November a military agreement was signed between the two countries to strengthen India's mountain defences against China. But no sooner did the war come to an end that the process of deterioration of Indian goodwill towards the U.S. started because of the continuing

American interest in Pakistan. After the cease-fire India took up the task of modernizing its armed forces and sought American assistance in this task. But Pakistan strongly opposed any possible U.S. aid to India. As a result of the pressure exerted by the pro-Pakistani elements within the Pentagon and the State Department, a plan that had been prepared to help India in the task of modernizing its armed forces was scuttled.[36]

When India received Western emergency military aid, against China, Pakistan complained against it to its Western allies.[37] Though ever since the chinese invasion of India of October 1962, Sino-Pakistani collaboration which was in certain respect directed against India, developed further, much to the annoyance of both India and America. At the very moment of the Chinese attack on India, negotiations between Pakistan and China for a non-aggression pact had been reported to have started.[38] Such an uncharitable pact annoyed both India and United States. India has no direct dispute, on any matter whatsoever, with America except that it supports Pakistan, to some extent, on Kashmir issue. Over the past few months Indo-US relations have seemingly deteriorated, and quite rapidly. This impression is conveyed by the increasing US pressure on India to sign the Nuclear Non-Proliferation Treaty (NPT), the statements of US State Department officials regarding the question of human rights in Kashmir and Punjab and other statements emanating from the same department and the US President's office which have been interpreted to mean explicit support to the secessionists in both these States, and a tilt in favour of Pakistan over the issue of Kashmir. So far as the issue of support to the secessionists is concerned, the most notable statements have been those made by US Assistant Secretary of State for South Asia, Robin Raphel, questioning the validity of the instrument of accession of Kashmir to India.[39] Both the United States and India are justifiably proud of a free press, which serves a vital role informing public debate. But the nature of business is that conflict makes news. As a result, most of us are familiar with the well publicised differences real or imagined—between our two nations than the positive developments taking place away from the media spotlight.[40] No doubt, our open political systems will generate a certain amount of surface turbulance between India and United States. The challenge, the two countries face is to remain focused on what is important, the steady advance more mature, productive and collaborative relations.[41] Kenneth C. Brill recently clarified that: United States and India have a more complicated and ambitious bilateral agenda than even before, a result of the opportunity the changes in the post cold war provide for two countries to expand and strengthen relations. This agenda demands two things the vision to recognise and build upon those areas where economic and political interests of the two converge, and the willingness to engage in the hard work of reducing the differences in those areas where the two disagree.[42] At a time when the political relations between India and USA have acquired a degree of stridency, the economic relations are quietly getting entrenched.

We have disputes, boundary and other, with Pakistan and China but no dispute as such with US. The Washington's support, to Tibetans cause is likely to help India in ultimate establishment of an independent buffer Tibet. That may eventually help a strong and United India to get back Aksai Chin and other forcibly occupied Indian territory from China. It is in consonance with Indian philosophy and thought what His Holiness, during the Nobel Peace Lecture on December 11, 1989 stated: "It is my dream that the entire Tibetan plateau should become a free refuge where humanity and nature can live in peace and in harmonious balance. It would be a place where people from all over the world could come to seek the true meaning of peace within themselves, away from the tensions and pressures of much of the rest of the world. Tibet could indeed become a creative centre for the promotion and development of peace."[43] Of course, an independent Tibet alone can provide such a peace zone—a Meditation temple to the humanity and America can play a meaningful role for such a creation. His Holiness the Dalai Lama believes that in future Tibet should have a multi-party system of Parliament, and that should have three organs of government, namely, Legislature, Executive and Judiciary, with a clear separation of powers between them, each independent of the other and vested with equal powers and authority. He has often said: Tibet belongs to Tibetans, and especially to those who are in Tibet. Therefore, Tibetans in Tibet shall bear the main responsibility in future Tibet's democratic government.[44] Tibet known as the Roof of the World is in the heartland of Asia between India and China. The people of Tibet are by nature honest gentle and kind. Future Tibet shall be a peace-loving nation, adhering to the principle of 'Ahimsa'.[45] It shall have a democratic system of government, committed to preserving a clean, healthy and beautiful environment. Tibet should be a completely democratic demilitarised nation.

The United States is still the strongest nation in the world; and still have militarily in a powerful position and represents the single greatest concentration of economic wealth and military power to be found on the planet with democratic credentials. If India accepts the thesis that the United States is a superpower that is important to Indian interests in South Asia and beyond—strategic concerns—political concerns, that the United States because of its unique position as a contributor to the multi-lateral lending institutions and its influence on these institutions is in a position to influence these institutions and further influence the flow of funds for Indian development and the fact that we have a reduced but still significant bilateral programme with India and frankly the fact that something a lot of people lose sight that India happens to be an extremely effective and functioning democracy.[46]

Democracy put no chains around a nation's neck. True democracies allow their people a chance to breathe, to dream, to grow. Such governments did not fear free and fair elections or the rule of law, or freedom of expression. Such governments did not torture their own citizens or deny them due process, or dictate what religions they could or could not follow. Because of these attributes, they prosper.[47]

Two democracies, the U.S. and India will probably seek to focus minimising bilateral disputes as well as strengthening existing and building new areas of operation. Indeed, President Bush describes his hope for bilateral relations very much along these lines, saying: "During the decade of the eighties, our two governments have worked hard to get off this roller—coaster and establish a solid, steady base of relation capable of absorbing occasional shocks while moving steadily forward. We will need his resilience in order to deal with the challenges that confront your region and the world in the years ahead. We have, to be sure, some difficult issues to deal with. The strength of our times will be demonstrated by our ability to negotiate and resolve our differences without allowing them to obscure the friendship between us."[48] Satu P. Limaye in his richly detailed book, "U.S. INDIAN RELATIONS, provides insight into the events during the particular difficult and fascinating period of 1980s that: in essence, the pattern of U.S. Indian relations reveals the manifestations, motivations and manner of the pursuit and limits of accommodation. Accommodation in relation was in some sense cumulative. That is, it moved from Pakistan, through Tarapur to enhanced scientific, economic, technological and defence ties. This reflected the trend towards accommodation which had as its basic and mutually agreed upon theme—the downplaying of global and regional differences, mitigation of outstanding bilateral disputes and strengthening of existing and development of new areas of co-operation.[45] There are reasons to believe that the Indo-US relations in 1980s have laid the ground work for a more amicable relationship in the future.

India is a consequence of its evolving national and regional pre-occupation, its pronouncements on international affairs have softened in tone. This change in India's pre-occupations is potentially important for U.S.-Indian relations. For the roots of discord in the relationship have been most visible in their verbal clashes over broad international issues. Despite the hopeful outlook, it is difficult to predict with certainty what the future of the U.S.-Indian relations will be. This is especially so in the world which is in a state of profound flux as on to-day.

Despite the differences of approach and policy that so far troubled U.S.-Indian relations and that may for sometime continue to do so, the mutual interests of India and the United States far outweigh the differences; It is strongly in the interests of the two democracies—India and the United States to co-operate effectively on important global problems, the mutual advantage of co-operation is being increasingly recognized by the masses of the two countries. There is clear evidence that both peoples wish profoundly to live in the world of peace and progress. Despite difficulties, they should be able to work towards this goal in closer co-operation in future than they have in the past.[50] Undoubtedly, the people of both India and United States have a deep and strong urge to preserve and strengthen their cultural values and democratic institutions. Both regard peace—world peace vital for the humanity and that keeps the hope for emergence of a better world.

References and Notes

1. B.N. Chakravarty, India speaks To America, (1966) p. 1.
2. *Ibid.*
3. T.V. Kunhi Krishnan, The Unfriendly Friends: India and America, (1974) pp. 126-127.

4. B.K. Srivastava, "Indo-American Relations" Retrospect and Prospect", International Studies, Vol. 14 (January-March 1975) p. 21.
5. The Modern Review, October, 1950. p. 260.
6. B.N. Chakravarty, India speaks to America, (1966) p. 109.
7. *Ibid.*, p. 130.
8. T.V. Kunhi Krishnan, "The unfriendly Friends: India and America, (1974) p. 130, Also see Mahendra Singh, Indo-U.S. Relations, (1983) p. 24.
9. James W. Spain, "Military Assistance For Pakistan", The American Political Science Review (Wisconsin) Vol. xlviii, (September 1954) pp. 734, 743, Also see Mahendra Singh, Indo-US Relations, (1982) p. 32.
10. Mahendra Singh, Indo-US Relations, (1982) p. 32.
11. Norman D. Palmer, "Ups and Downs in Indo-American Relations", Annals of the American Academy of Political and Social Science, (Philadelphia, pa) Vol. 294, (July, 1954) pp. 119-120.
12. B.N. Chakravarty, "India Speaks To America (1986) p. 132.
13. T.V. Kunhi Krishnan, The Unfriendly Friends: India and America (1974) p. 215.
14. Nalson Manfred Blake and Oscar Theodore Barck, Jr., The United States in its World Relations", (1960) p. 750.
15. Hindustan Times, January 7, 1961, Also see, Mahendra Singh INDO-US Relations, (1982) p. 44.
16. M.C. Chagla, Roses in December: An Autobiography (1973) pp. 270-271.
17. John, F. Kennedy, The Strategy of Peace, (1961) pp. 166-168.
18. *Ibid.*
19. B.N. Chakravarty, India Speaks to America (Calcutta, 1966) p. 70.
20. M.C. Chagla, Roses in December: An Autobiography (1973) p. 276.
21. B.N. Kaul, India and Super Powers, (1989) p. 68.
22. *Ibid.*
23. Ms. Raphel, "Kashmir's Opinion Vital", The Statesman, February 11, 1994, p. 9.
24. Frank Thakurdass, Foreword, to Indo Pak Relations by Mahendra Singh, (1982).
25. D.C. Jha, "Foreign Policies of India and Pakistan: Kashmir as a Factor," South Asian Studies (Jaipur) Vol. 4 (July 1969) p. 170.
26. *Ibid.*
27. New York Times, 15 July 1961, and 7 January, 1962.
28. John Kenneth Galbraith, Ambassador's Journal: A personal Account of the Kennedy's Years (1969) p. 299.
29. *Ibid.*, p. 278.
30. *Ibid.*, p. 298.
31. Sisir Gupta, Kashmir: A study in India-Pakistan Relations, (1960) p. 347.
32. SCOR Yr 17, Supplement for January, February and March, 1962, Doc.s/5058, pp. 46-47.
33. Surjit Man Singh, "India and the United States" in B.R. Nanda, ed. Indian Foreign Policy: The Nehru Years (Delhi, 1976) p. 164.
34. Bhattacharjee, n. 43: Indian Express (New Delhi) 27 August, 1962.

35. See report from Washington by Ajit Bhattacharjee. Hindustan Times Correspondent, Hindustan Times, 24 August 1962; report from Washington by T.V. Parasuram, Indian Express Correspondent, Indian Express, 27 August 1962; and Council on Foreign Relations Series, No. 3 p. 183.
36. Mahendra Singh, Indo-U.S. Relations (1982) p. 189.
37. Charles H. Heimsath, Surjit Man Singh, "A Diplomatic History of Modern India (1971) p. 171.
38. New York Times, November 26, 1962; Also see, Gulab Mishra, 'Prabhakar', INDO-Pakistan Relations, (1987) p. 111.
39. Rustam Singh," Indo-US Relations: not all downhill, The Tribune March 9, 1994 p. 8.
40. Mr. Kenneth, "All's well Between India and US", The Times of India, February 9, 1994. p. 10.
41. *Ibid.*
42. Kenneth C. Brill, suggest that: 'All's Well Between India and US", The Time of India, February 9, 1994 p. 10.
43. TIBET: Environment and Development Issues, (1992) p. 29.
44. The Dalai Lama, Guidelines for Future Tibet's Polity and the Basic Features of its Constitution, (1992) p. 7.
45. *Ibid.*, p. 15.
46. Satu P. Limaye, U.S.-Indian Relations, (1993) p. 33.
47. Ms Geraldine Ferraro, U.S. Avoids mention of Kashmir, the Times of India, March 9, 1994 p. 1.
48. Vasantha Arora, "Bush Urges on Trade Differences", India West, August 18, 1989, p. 18,

    Also see, Satu P. Limaye, U.S.-Indian Relations, (1993) p. 239.
49. Satu P. Limaye, U.S.-Indian Relations, (1993) pp. 259-260.
50. Sunder Lal Popalai and Phillips Talbot, India and America, (1968) p. 193.

Chapter 8

Nuclearisation in India and Around

> ***Among the Industrialized nations of the world we are the tenth. The country has set its sights high. It has nuclear reactors and satellites in space. It even exploded successfully an atomic device in 1974—the only one—and learnt the bitter lesson that one explosion activates international reaction but a series of explosions anesthetizes it. One blast brings discredit, while a sequence brings prestige and power.***
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> *Nani A Palkhivala, We the Nation, (1994) p. 11.*

Good security management lies in anticipating the problems in advance and taking necessary counter measures to limit the damage these problems might casue. All the time new weapons are being developed. The pace at which weapons change is accelerating all the time. The more complicated and more sophisticated weapon is, the pace at which it changes is faster. Once in every couple of decades, a whole of weaponry changes.[1] The global international Security Environment has progressively been unified. Super powers have covered the land, the sea and the air of this planet as far as their security systems are concerned. It is very difficult to shield any small country despite its vast population or large territory without modern instruments of conventional warfare and substantial strategic nuclear war-heads, satellite surveillance and security net-works of Radars early warning system.[2] In the nuclear and space age, the security of one or several countries cannot be achieved at the expense of other. The concept of National Security is defined by Walter Lipman, in the following terms: "A nation has security when it does not have to sacrifice its legitimate interests to avoid war and is able, if challenged to maintain them by war."[3] And whom, a nation does not have to sacrifice to avoid war which are its legitimate interests and is able to challenge another nation by war than, it can be said that the nation has security.[4] Devidas Lohalakar, explains: Ideology is the systematic rationale for national policy and aims another influence that international behaviour and drive for national secuirty.[5] So far the Security of India is concerned, it cannot be conceived in its isolation. A strong nuclear India, of course, would be capable of curbing secessionists movements and protecting its national interests and territories. However, looking to the past experience and history of India's security, Gen Rajindera Nath, observed:There are only two countries in the world, besides, India, which have been attacked repeatedly. There are even fewer countries which have learnt far less from the lessons of military history, as we have done. From the 9th and 10th centuries onwards, our country has been repeatedly attacked. Our rulers were not only divided but paid hardly any attention to the developments in the art of war, in the Middle East and Central Asia. They sat smugly, supremely confident that their tactics and their weaponry were upto the mark, which was far from the reality.[6] India even after its partition and creation of Pakistan, is only the bulk of South Asia, it is central in many ways, particularly in the eyes of outsiders. Although it is India's huge size and numbers that give it the outstanding importance, there are also civilisational and historical reasons for it. Its resources endowment and the stage of economic development have converted it into the sixth largest power and one of the most attractive markets for surplus capital and higher technology, writes M.B. Naqvi, from Karachi.[7] Some forty years after British disengagement, the prevailing strategic setting in the Indian sub-continent still shows the traces of foreign presence and the manner in which it was terminated. India, as the heir to the British Raj, tends to project power in its strategic enviornment. This tendency is rather common among post-colonial powers. The absence of clear territorial divisions—added to the reluctance of leaders to be seen as compromising national sovereignty—makes the settlement of disputes more difficult. To its neighbours such tendencies, especially when combined with India's predominant size, population, and economic superiority, are often interpreted as hegemonic behaviour.[8] Undoubtedly, technical-scientific progress could also be seen as beneficial to India's bargaining position in the international nuclear and technology market.

Science and its child technology, could bring annihilations of the whole world by a nuclear warfare or provide the first glimpses of a golden age of stability and creativity. However, it is not enough to know that nuclear weapons add to completely new dimensions to man's power of destruction.[9] The enormity of destruction that would result from the full-scale nuclear war with present stock piles of nuclear weapons is simply not comprehended by the general public.[10] Fritj of Capra, emphasis, however, is that each new missile makes nuclear war more likely and that nuclear weapons do not increase our security, as military establishment would have us to believe; they merely increase the likelihood of global destruction.[11] Undoubtedly, a nuclear bomb is not a weapon of offence or defence, it is a weapon of mass extermination.[12] China has multiplied nuclear bombs and is fast working on hydrogen bombs and Pakistan has acquired the capability of this weapon. This weapon of mass extermination has bargaining power in settling *inter se* disputes. The threat of the Chinese nuclear weapon as a weapon of "intimidation" and "blackmail", was often referred to during NPT negotiations.[13] China's nuclear weapons had a multidimensional impact on India's perception of its national security. It was the political-psychological dimension of this development, *i.e.,* its effect on India's prestige and image, which played a decisive role in changing India's nuclear policy and, in turn, its non-proliferation diplomacy.[14]

After the nuclear bombardment of Hiroshima and Nagasaki, Mao-Tse-Tung's immediate reaction, may be traced to his statement made on August 13, 1945: Atom bombs could not make Japan surrender without the struggles waged by the people; atom bombs by themselves would be of no avail. Some of the Comrades, too, believe that the atom bomb is all powerful, that is a big mistake...... The theory that: "Weapons decided everything", the purely a military view point, a bureaucratic style of work, diversed from the masses, individualistic thinking, and the like.... all these bourgeosis influences.[15] Mao-Tse-Tung believed that actually Japan surrendered because of Hiroshima and Nagasaki and China started preparing for nuclear acquisition. China started working, in collaboration with Russia, for acquiring nuclear capability. China's interest in acquiring nuclear weapons probably dates back to early 1950's when the Chinese Communists, appear to have launched their nuclear weapons development programme. China decided to go nuclear when it was not economically advanced. China single mindedly persued the development of nuclear weaponry. In May 1957, they set up an institute of Atomic Energy and in October, the same year, apparently signed an agreement under which the Russians agreed to assist them in production of nuclear weapons.[16]

Jawahar Lal Nehru, the first Prime Minister of India, on December 31, 1962, in a press conference about the China's nuclear bomb told the nation: "It is quite possible that in a year's time or two years, the China might have a nuclear test and, that I do not think they will ever have any nuclear force worth the name."[17] He further stated, that "China had got some scientists good enough for developing atom bombs, but the resources necessary for this kind of things are very great. It is one thing to have some nuclear tests, but quite another thing to build up some nuclear bombs."[18] To the great surprise of India, the people's Republic of China exploded a Uranium atomic device and conducted successfully its first nuclear test, on October 16, 1964, at 3.00 P.M. Peking Time.

The Chinese leaders look with considerable satisfaction on their achievement in carrying nuclear test, despite the Soviet Union withdrawal of support in 1960 and active opposition ever since. They undoubtedly look upon October 16, 1964, as a milestone on China's road to world power.[20] Chinese went Nuclear in 1964, and since then have upgraded themselves to the rank of a regional power with their clever fence-mending with Burma and Pakistan. They have successfully challenged and ousted India out of its even national cultural interests in Tibet and have posed a perpetual threat for it by their missile deployment and stationing other armed formations supported by old weather roads, railheads and air strips on the vast Tibetan plateau, across the high peaks sighted on its soft population centres industry and central bulk of State authority and collective organisations such as powerhouses, mines and railways. In addition they have successfully penetrated Himalayan Peaks to provide logistic support to Pakistan across the Karakoram Range in Pamir Region and to Nepalese Kingdom in Central Zone of Tibet.[21] The People's Republic of China, with the world's third largest air force, its extensive military support to Pakistan and its air bases in Tibet which could pose a threat to Indian airspace, dominates the strategic air power balance in the Indian subcontinent. With its growing nuclear capability, its reported deployment of nuclear weapons in Tibet and its presently limited, but expanding SSDN forces which could be deployed in the Bay of Bengal/Indian Ocean; China assumes even greater significane in any analysis of air power balance in South Asia.[22] China as on today is one of the advanced countries, with nuclear capability. Morton H.Halperin, in China and the Bomb, 1965, wrote : As Chinese nuclear capability grows, the China's ability to attack targets close to China will increase...... A fundamental change will occur when the Chinese acquire a hydrogen bomb capability for that means that any single bomber or missile which reaches its target will do much greater damage than one with atomic weapons only.... Their ability to threaten their neighbours will also depend on how much they emphasize the development of sophisticated delivery systems to penetrate Western defences.[23]

Peking strategists seek influence and control over not only South-East Asia, but South Asia, the Middle and Near East, and in due course, East Africa. In the way of these ambitions, steophen Yurkov, in Peking Plans for Asia, writes: "However, lies India, a large developing country of tremendous promise, well-known for its peaceful policies. The Peking leaders decided, therefore, that this obstacle had to be removed, the more so as, according to the age-old imperial formula, it was impermissible to tolerate a powerful state close to the cedestial empire.[24] The Peking leaders began in the late 1950s to try to compromise India in the international arena and to stir up internal difficulties and dissent. In the fifties the Chinese built a highway between Kinjiang and Tibet, in Aksaichin on Indian territory. In August and October 1959, Chinese troops attacked guard detachments on the Indian-Chinese border in the Himalayas. The summer of 1962 saw bloody clashes at the Chinese-Indian border when Chinese troops moved up to a hundred kilometres into Indian territory.[25] After these conflicts, in the diplomatic correspondence, the Peking laid claim to part of Indian territory spreading over 125,000 sq. km.[26]

China from its several air basis in Tibet, could easily penetrate Indian air space and take on targets in the northern region. With its improved logistics capability in Tibet, China could operate a substantial force of combat aircraft for a prolonged duration. Chinese nuclear forces deployed in Tibet would cover the entire Indian sub-contient. The nuclear threat from China will increase with the deployment of Chinese SSBNS in the Indian Ocean.[27] Himalayas are no more the borders protecting India from the North. The nuclear ICBMs in Tibet are also overlooking India. The main Chinese nuclear weapon test facility and strategic nuclear missile base is located at Lop Nor in the Xinjiang Province. From Lop Nor. Indian population and military centres are well within striking distance of the Chinese ICBMs which have a range of 8000-13000 km. From Tibet all Indian and many South-East Asian strategic and tactical targets fall into the radious of these missiles.[28]

Peking has been especially persistent in manipulating the complicated relations between Pakistan and India with the intention of turning Pakistan into a bridgehead for its actions against India. Since 1966 China has shipped 2,000 millions dollars worth of armaments, equipment and material to Pakistan.[29] China with expansionists aspirations has emerged as one of the strong nuclear power and Pakistan has not only acquired nuclear capability but has actually manufactured the atom bomb. The allegation is that the Chinese have checked the design of Uranium bomb for Pakistanis. The Pakistanis presumably produced a design as to how to make the bomb and it is believed that the Chinese may have checked for them. The Chinese have also made the Uranium bomb.[30] The Uranium bomb can be assembled in the expectation that it would work. It has been done before. The first American bomb dropped on Hiroshima was an untested bomb. It was the second one at Nagasaki, which was previously tested by the United States a few weeks before. Therefore, there can be an untested Uranium bomb, which can be expected to work, that means explode, reasonably.[31]

Uranium and thorium ores are enriched for ten nuclear reactors and several accelerators and installations at 50 factories, up till 1984. China has enough fissionable material to manufacture 300 nuclear bombs of various yields.[32]

Pakistan's nuclear policy of 50s and 60s was deeply rooted in the security calculations and historical antagonisms. Since the 1950s Zulfikar Ali Bhutto has remained the architect of Pakistan's Nuclear Programme. He built up the nuclear programme with great determination, from almost nothing to viable deterrent capability.[33] Pakistan's nuclear programme started in Mid 1960s-when PAEC created and led Dr. Nazir Ahmed, "Atoms for Peace" type programmes in 1965, Pakistan had established principal nuclear research facility at Nilore, in vicinity of Rawalpindi, known as Pakistan Institute of Nuclear Science and Technology, with main research and training centre for the scientists and technicians in Pakistan Atomic Research Reactor.[34]

The Karachi Nuclear Power Project (KANUP) Pakistan's first nuclear power plant was completed in 1972. This was under International Atomic Energy Agency safeguards, purchased and enriched uranium fuel supplied from Canada, and heavy water from U.S. The Chasma Nuclear Power Project and the New Labs-Small reprocessing plants at Rawalpindi with the help of France and Belgium constitute the early efforts of Pakistan to produce pure plutonium from the spent fuel of its KANUP plants, enough for two or four nuclear weapons.[35] Pakistan had plans for establishment of one nuclear power plant every two years from 1980s.[36] Pakistan has been trying to reach the weapons grade uranium enrichment capability.[37] Dr. Khadeer Khan proclaimed[38] that "Pakistan has a nuclear bomb."[39] There are reports that Pakistan is already in possession of several nuclear bombs which could be delivered on targets by modified F-16s.[40] Mirza Aslam Beg, the former Chief of Army Staff, asserts: "Pakistan has acquired complete nuclear capability including the development of weapon delivery system, alongwith the ability for manufacturing the required number of devices at the time of need."[41] Pakistan had decided at the highest level to continue development of nuclear weapon delivery system as early as 1989.

The study conducted by Major General Rajendra Nath, PVSM (Retd.) reveals that China has always considered strong conventional armed forces alongwith nuclear and thermonuclear weapons as an essential ingredient for its national secuirty.[42] China possesses nuclear/thermonuclear weapons and has developed effective delivery systems and is in a position to blackmail by threat of using nuclear weapons. Napolean referred to China as the sleeping giant and the giant is fully awake and kicking today.

China in the past, has been siding Pakistan on that Kashmir issue and has actually helped her in attaining nuclear capability. China has also recently helped Pakistan in the construction of Kara-koram Highway, which may have little commercial value but it has increased Chinese interventionist capability in the region. Pradyot Pradhan's study makes it clear that China through Pakistan, wishes to extend the sphere of her influence in South Asia and the only stumbling block is India. This may be one of the reasons for development of special relationship between Beijing and Islamabad. This relationship today, has attained a new dimension owing to the extent of involvement of China in Pakistan's search for nuclear weapons programme. It is also reported that Chinese scientists have helped Pakistan to develop ultra-centrifuge technology at Kahuta.[43]

Kashmir dispute is interlinked with nuclear question, in the Pakistani mind.[44] Pakistan attacked Jammu and Kashmir within a few months of our independence and it was after about sixteen months of hard struggle, that Indian forces could throw back the Pakistani forces from a substantial part of the State. Pakistan, managed to occupy nearly forty per cent of Jammu and Kashmir territory, which she is holding even today. India has to fight four wars with Pakistan eversince her independence. Intermittent fighting is still going on with Pakistan for the control of Siachen glacier region which provides a strategic wedge between the Pak occupied Kashmir and Chinese occupied Aksaichin region and which presently is under the Indian control.[45] It was after losing half of Kashmir valley, Aksai Chin and buffer of Tibet and meeting humiliation at the hands of China in 1962 that India started modernisation of conventional weaponry and the armed forces.[46] However, the feverish rearming and expansion of Pakistan Armed Forces, the acquisition of nuclear weapons, the collusion with China, the strategic consensus with U.S.A. and some of the Islamic countries, are all prompted with, perhaps, one basic motive, namely to settle scores with India and Kashmir is an ever present causus-belli for another round with India, asserts Lt. Gen. S.K. Sinha.[47] Pakistan is fully aware that a war with India cannot be confined to Kashmir.

It is time to break the Sino-Pak nexus through normalising relations with China, Pakistan's potential for jeopardising India's security would get greatly reduced, irrespective of all the sophisticated armd, USA may pump into Pakistan. While our foreign policy may try to befriend Pakistan, our defence policy must ensure that all the times we have a superior military capability.[48] India's military plans should take advantage of the two weaknesses of Pakistan arising out of its geography and its heterogenous population. Pakistan has limited depth particularly near its waist opposite Jaisalmer. Its North-South communications running parallel to the border are vulnerable to an Indian thrast. The capital of Pakistan and some of its nuclear installations are not far from the Line of Control in Kashmir.[49] Moreover, Pakistan faces an identity crisis arising out of its heterogenous population. Their differences cannot be easily reconciled just because they have a common religion. The four sub nationalities in Pakistan—the Pathan, The Baluch, the Sindhi and the Punjabi have very different outlooks, the Moharis are treated almost as foreigners.[50] The Sindhis have generally felt deceived, invaded and exploited. The Sindhis openly talked of their country having been invaded by

Mohammed Bin Quasim in 712, the British in 1843 and in 1947 by Moharis-refugees from India, to be followed by the Pathans and the Punjabis. India's firm commitment to the policy of peaceful co-existence and her image of a visionary of global peace, are indications enough for the world to know that India has no imperialistic designs. To the contrary, India is extremely conscious and sensitive to protect her freedom and territorial integrity. India, by virtue of her size and population, must exhibit power to achieve these parameters. To attain this power profile, which must extend beyond the perimeters of South Asian sub-continent.[51] To deter nuclear China and nuclearising Pakistan, India must exercise her nuclear option and since the security threats arise within the total structure of India's security concern, she must create and develop a full panoly of nuclear weapons comprising the strategic triad of law-based nuclear missiles, long range aircrafts with strategic air command and ballistic missiles armed nuclear submarines.[52]

The U.S. and India have been at odds over a June 1991 Pakistani proposal for a five power conference to address the nuclear situation in the sub-continent.[53] India's rejection of Pakistani proposal is based on long-standing arguments that nuclear weapons free zone in the sub-continent without China cannot be contemplated. Moreover, the February 1992 announcement by Pakistan of its ability to manufacture nuclear weapon further buttressed India's unwillingness to discuss a five-power approach to nuclear proliferation in the sub-continent.[54] The sensitivity of India and the U.S. to nuclear and missile proliferation issues has also been evident in minor skirmishes. For instance, in late 1991 there was considerable alarm in the U.S. over a proposed sale by India of a 10 MW nuclear research reactor to Iran.[55] India had formally announced its intentions to provide such export in June 1990.[56] Perhaps most significant about the episode was India's decision not to follow through with the sale. According to one report, citing a senior official in the Indian Ministry of External Affairs, "(a) decision (was) been taken at the highest level not to sell the reactor to Iran.[57] It appears that New Delhi viewed the potential cost to relations with the U.S. as more significant than the potential political and economic advantages of making an opening to Iran.[58]

Among the Industrialized nations of the world we are the tenth. The country has set its sights high. It has nuclear reactors and satellites in space. It even exploded successfully an atomic device in

1974—the only one—and learnt the bitter lesson that one explosion activates international reaction but a series of explosions anesthetizes it. One blast brings discredit, while a sequence brings prestige and power.[59]

India shares its political borders with Pakistan and Afghanistan on the west and Bangladesh and Mynamar on the east. The northern boundary is made up of the Sinbiang province of China, Tibet, Nepal and Bhutan. The present strategic nuclear equation on our borders—between China, India and Pakistan is constantly being changed. China possesses an improved nuclear arsenal and Pakistan is not likely to roll back its nuclear weapons capability. Air Commandor (Retd.) Jasjit Singh rightly sees China as the primary strategic challenge to India which would be "in a position to cause serious damage to our vital interests unless the country is adequately prepared."[60] The pressures on India and Pakistan to do-nuclearise is likely to increase in coming two to three years. The Director Studies and Analysis says: "There is a need at this stage to give serious thought to our defence needs in a longer term perspective rather than try to live from one budget to another," especially when China is already the strongest military power in Asia and is moving rapidly in further accretion of techno-economic strength; increasing Chinese power and the transformation of the international strategic landscape has opened up opportunities for China to move forward into the strategic vacuum created consequent to the Soviet collapse.[61]

There is a situation of nuclear asymmetry in Sough Asia at present because of the acquisition of nuclear weapon capability by Pakistan and the advanced nuclear capability of China. Such a State of affairs is obviously not conducive to regional stability. If strategic deterrence is to be achieved in view of the on-going missile proliferation around India, then the acquisition of nuclear weapon capability by India seems the only viable option.[62] Pakistan has managed to make six to twelve bombs each capable of repeating Hiroshima.[63] The very talk of "minimum deterrence", by India, highlights our confused perception of the dimensions of the nuclear war. Security—involves the capability to absorb the total and full intensity of an all-out nuclear attack on our targets and the possession of a reliable ability to inflict unacceptable damage on the enemy. That is true deterrence and it is credible only if the enemy understands the full consequences of it.[64]

Once the nuclear status of India and Pakistan is understood and acknowledged, a status of mutual deterrence would make it possible for confidence—building measures to evolve. After possessing a minimum deterrent capability and survivable delivery system, it may not be necessary to enter into a nuclear arms race. Since deterrence would be objective, and not the accumulation of a large arsenal, a South Asian nuclear arms race would not be necessary.[65]

References and Notes

1. P.N. Haksar's Foreword, Problems of Living in Nuclear Age, (1985), pp. 8-9, Ed. by K. Subramanyam, M. Zuberi and Raja Ramanna.
2. Dr. Dharamandra Goel, "India's Security and Super Powers", in INDIAN SECURITY, (1990) p. 211, ed. by Maj. Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.
3. K. Subramanayam, Our National Security, (1972) p. 1.
4. Mahendra Kumar, Theoretical Aspects of International Relations, (1978) p. 273.
5. Devidas Lohalekar, U.S. Arms to Pakistan, (1991) p. 3.
6. Gen. Rajendra Nath's speech during seminar on South Asia, Problems of Nuclear Age, (1985) pp. 21-22, ed. by K. Subramanayam, M. Zuberi and Raja Ramanna.
7. M.B. Naqvi, "Foe For All", The Times of India, Feb. 21, 1994, p. 15.
8. Ziba Moshevar, Nuclear Weapons Proliferation in the Indian subcontinent, (1991) p. 25.
9. The Third Pug Wash Conference Report, September 1958.
10. Sampooran Singh, India and the Nuclear Bomb (1971) p. 170.
11. Fritj of Capra, The Turning Point, (1982) p. 2.
12. Brecher, India and the World Politics, p. 313.
13. Ziba Mashevar, Nuclear Weapons, proliferation in the Indian subcontinent, (1991) p. 117.
14. *Ibid.*
15. Selected works of Mao-Tse-Tung, Vol. iv; pp. 21-22.
16. Leonard Beaten and John Maddox, The Spread of Nuclear Weapons, (1962).
17. Morton H.Harperin, China and the Bomb, (1965) pp. 111-112.
18. *Ibid.*
19. The New China, News Agency, Press Communique, October 16, 1964.
20. Morton H. Halperin, China and the Bomb (1965) p. 90.
21. Dr. Dharamandra Goel, "India's Security and Super Powers", in Indian Security, (1990) p. 214, ed. by Maj. Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.
22. Air Commodore N.B. Singh, "Air Power and Regional Security", in Indian Security, (1990) pp. 185-186 ed. by Maj. Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.

23. Morton H. Halperin, China and the Bomb (1965) p. 90.
24. Steophan Yurkov Peking Plans for Asia, (1982) p. 65.
25. *Ibid.*
26. *Ibid.*
27. Air Commodore N.B. Singh, "Air Power and Regional Security", In Indian Security (1990) p. 192.
28. Krishan Kant, "The Nuclear option—No Alternative to the Bomb", In Indian Security, (1990) pp. 157-158, ed. by Maj-Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.
29. Steophan Yurkov Peking Plans for Asia, (1982) p. 66.
30. P.N. Haksar, Foreword; Problems of Living in Nuclear Age, (1985) p. 21 ed. by K. Subramanyam, M.Zuberi and Raja Ramanna.
31. *Ibid.*
32. Daljit Sen Adel, China and her neighbours, (1984) p. 245.
33. Z.A. Bhutto, If I am Assassinated, (1979) pp. 137-138.
34. Devidas B. Lohalakar, U.S. Arms to Pakistan (1991) p. 58.
35. Leonard Spector, Nuclear Proliferation Today, (1984) p. 75.
36. *Ibid.*, p. 74.
37. V.D. Chopra,"Asian Peace and Neo Imperialist Axis" in Pakistan and Asian Peace, (1985) p. 37, ed. by V.D. Chopra.
38. India Today, March 31, 1987, p. 78.
39. *Ibid.*, p. 81.
40. Air Commodore N.B. Singh, "Air Power and Regional Security", in Indian Security, (1990) p. 189. ed. by Maj. Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.
41. "Pakistan has N-arm capability", Indian Express, February 25, 1994, p. 5.
42. Maj. Gen. Rajendra Nath. "Indian Quest for Security", in Indian Security, (1991) pp. 17-18.
43. Pradyot Pradhan, "The Chinese Factor-Conventional Weapons not Enough", In Indian Security, (1991) pp. 95-96 ed. by Maj. Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.
44. Inder Malhotra, "Political Commentary", December 24, 1993, The Times of India, p. 10.
45. Dr. R.N. Misra, "A Maritime Dimension", In Indian Security, (1990) p. 174, edited by Maj-Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.
46. Krishan Kant, "The Nuclear Option—No Alternative to the Bomb", in Indian Security, (1990) p. 160 edited by Maj. Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.
47. Lt. Gen. S.K. Sinha, "Threats and Strategy", In Indian Security, (1991) p. 40 edited by Maj. Gen Rajendra Nath, Shyam Khosla and Ashok Malik.
48. *Ibid.*, pp. 50-51.
49. *Ibid.*, p. 51.
50. *Ibid.*, pp. 51-52.
51. Pradyot Pradhan, "The Chinese Factor-Conventional Weapons not Enough", in Indian Security (1991) pp. 96-97, edited by Maj. Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.

52. *Ibid.*, p. 97.
53. Mark Hibbs, "Regional Nuclear Gambit Checked, U.S. Has Few Cards to Move India", Nucleonics Week, April 2, 1992, pp. 12-14.
54. Paul Lewis,"Pakistan Tell of Its A-Bomb Capacity", New York Times, February 8, 1992.
55. Steve Coll, "Iran Reported Trying to Buy Indian Reactor", Washington post, November 15, 1991.
56. Nucleonics Week, August 16, 1990, p. 13.
57. Jawed Naqvi, "India Withdraws Nuclear Reactor Offer to Iran", India West, November 20, 1991, p. 20.
58. U.S.-Indian Relations, (1993) p. 245.
59. Nani A Palkhivala, We the Nation, (1994) p. 11.
60. Jasjit Singh, "Pak Proxy war may last 2 more years", The Tribune March 15, 1994, p. 10.
61. *Ibid.*
62. Akhtar Majeed, "Piftalls of India's Nuclear Brahmacharya", The Times of India, March 20, 1994. p. 10.
63. The Los Angeles Times, March 19, 1994, Also see The Times of India, March 20, 1994. p. 1.
64. Akhtar Majeed, "Pitfalls of India's Nuclear "Brahmacharya", The Times of India, March 20, 1994, p. 20.
65. *Ibid.*

Chapter 9

Dialogue Must Go On

> ***Gandhiji viewed: "There was now talk about the vivisection of Kashmir. It was fantastic. It was more than enough that India had been divided into two. One would have thought it impossible for man to divide a country, which God had made one. Yet it had happened and both the Congress and League had decided upon it, though for different reasons. But that could not mean that the process of dividing should be further extended.***
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> ***D.G. Tendulkar, Mahatma, Vol. viii, (1990) p. 221.***

Pakistan having disavowed the Simla agreement, has all along been harping on the U.N. resolutions for a solution to the Kashmir issue. Kuldip Nayar elaborates; that the U.N. resolutions on Kashmir gives only two options: joining either Pakistan or India; there is no third provision.[1] He asserts that in fact, it will be difficult for Pakistan to comply even with the U.N. resolutions because it will have to vacate the territories under its control before the people's wishes in the State are ascertained. There are two more riders to the resolutions: One, the entire State must come under India's control and two, normalcy must prevail before a plebiscite is held.[2] Pakistan may not be ready to vacate Gilgit, Baltistan and Azad Kashmir", and transfer them to India, till the normalcy prevail for a free plebiscite. The various U.N. resolutions that were carried through the machinations of certain powers who did not want to see non-aligned India as strong, independent country but wished to fish in the troubled relations between India and Pakistan. However, the resolution of August 13, 1948, which required Pakistan to withdraw its both regular and irregular forces from the territory of the whole J&K State was not only ignored and violated by the successive Pakistan Governments but they also further strengthened their military bases and strength in Pakistan occupied Kashmir. To demand plebiscite or self-determination after having violated this part of the 13th August 1948 Resolution is to say the least, illegal, unjustified, grave provocation to India of violation of the principles of the U.N. Charter.[3] Jammu and Kashmir is the integral part of India and the need for conducting any plebiscite in any part of India did not arise. Plebiscite in Kashmir is an old demand of Pakistan. Indian Government is justified in unequivocally rejecting Pakistan's proposal, linking future bilateral talks to holding of plebiscite in Kashmir. India cautioned Islamabad that it would not spare any effort to oppose moves against its territorial integrity.[4]

It was India, who referred the Kashmir question to the Security Council of United Nations, on January 1, 1948 under Article 35 of the U.N. Charter, though Jawahar Lal Nehru had initially strongly opposed Mount Batten's idea of referring the Kashmir dispute to United Nations, and had agreed with reluctance.[5] Pakistan denied Indian Charges of helping raiders and lodged a series of counter-charges covering the whole range of Indo-Pakistan relations and requested the Security Council to consider the whole matter and not only Kashmir issue.[6] J.N. Dixit once remarked that "Pakistan had not studied the U.N. resolutions properly." The Pakistan is not really serious and honest about implementing fully the U.N. resolutions, it is only interested in internationalising the issue. Pakistan's relentless effort to globalise the issue and cloud the real import of the dispute. The writing on the wall is that if the fires of hatred and confrontation, now burning uncontrollably, are not extinguished, they can engulf the entire sub-continent before long.[7]

Islamabad may or may not have been emboldened to threaten the internationalisation of Kashmir issue because of President Clinton's letter dated December 27, 1993, to the Kashmir Action Council, offering to work with it and others "to help bring peace in Kashmir", but the fact remains that Pakistan has gone over the exercise many a time before. Kuldip Nayar quips that Pakistan eyes have been too long fixed on international opinion, not Indian, which ultimately matters in finding a solution.[8] Pakistan may just not take the risk of withdrawing all its forces and other personnel from the occupied territory. Nor it may get back the territory ceded to China, Kashmir, China and Tibet problems, thus are interconnected, interelated and solution to these problems are to be found simultaneously.

Ultimately, both the sides—India and Pakistan have to sit across the table of course, without indulging in threats. Pakistan's Foreign Minister Asef Ahmad Ali recently has said that there will be a nuclear war between India and Pakistan if Kashmir problem is not solved. Kuldip Nayar clarifies that Pakistan's Foreign Minister does not realise that if a nuclear bomb is thrown on Delhi, the destruction of Lahore, Karachi and rest of the Pakistan will not be far behind. No such nuclear device has been invented which if detonated, leave a neighbouring country unaffected.[9] B.N. Kohli is justified when he concludes that; Pakistan game plan seems to be to carry on with its "low-in-cost" but rich in dividents", propaganda. The proxy war through its trained militants, whose subversive and terrorist activities have disrupted life in the valley. It has also helped Pakistan in internationalising the Kashmir issue by misrepresenting the Indian security forces actions to curb terrorist activities as atrocities on, and violation of human rights of the people in Kashmir.[10] India has thus no option but to beat Pakistan squarely in its proxy war also, even if this involves giving the infiltrators a hot chase in Pakistan-held areas and blasting their training camps.[11] The Punjab Provincial Assembly Speaker, Mohammad Hanif Ramay, during common wealth Seminar at Delhi, said, "we have been talking and talking. But if we go on talking without meaning, we will have another war."[12] Armed conflicts reflecting the passions of man, create a vicious circle. The lesson of history is that, instead of settling any problem finally, war creates more problems and generate greater tensions and result in another war. It creates a chain reaction and an unending process continues Dr. Albert Einstein, late in his life was asked what weapons may be used in World War III. He said, "I do not know. But I assure you that world war IV will be fought with stones."[13] The analysis of the causes of war will show and establish without an iöta of doubt that wars settle nothing at all. The three Indo-Pakistan wars fought since 1947, may convince any prudent man of average ability that wars rather create and' not solve the problems—notably Kashmir. Rather it created economic problems in the Indian sub-continent. The next war if it is waged, will be nuclear war, which will mean global destruction. There is no going away from talks, however long and exasperating. The solution has to be found patiently. It is patience and perseverance which is likely to overcome even the mountains, emphasised Mahatma Gandhi. The two countries should never snap the dialogue.

T.N. Kaul is justified in saying that: Ultimately, the problems of India, whether in Kashmir or elsewhere, must and shall be solved by Indians in India in an Indian way and not by anyone else, anywhere else, in any other way. We must depend on ourselves and not expect others to pull us out of our difficulties or allow them to interfere in our domestic affairs. According to him, this is the lesson, we must draw from our experience in the past in an outside the UNO.[14] According to Jagjit Singh, a defence expert the dispute regarding Kashmir since 1948, however, has been that Pakistan has not vacated parts of India under its occupation, though the Pakistan had agreed to vacate such occupied territory, while accepting the U.N. Resolution of August 13, 1948, which mandates Pakistan to vacate the Jammu and Kashmir in its entirety for India to retain its military and political presence in the State, and ensure normalcy, Pakistan's aggressions across the cease-fire line in 1965 and 1971 rendered the U.N. Resolutions meaningless and Shimla Agreement finally modified it.[15]

India has taken an initiative in bringing normalcy and peace in the region, by communicating six proposals to Pakistan, to resolve bilateral problems following a signal from Islamabad that it had not slammed the door on the process of negotiations. These proposals include steps to resolve the Siachen problem, demarcation of the boundary in the Sir Creek area and Tulbul navigation project controversy. The proposals also envisage additional confidence-building measures on the nuclear issue and stabilising the situation along the line of control in Jammu and Kashmir without prejudice to each other's claim.[16] The problem relating to the Siachen, Tulbul project and the demarcation of the boundary in the Sir Creek area, the two countries had reached near agreement in 1991-92. New Delhi's proposal to resolve the Siachen provides for disengagement and redeployment of the troops in the area without prejudice to the known position of either side. India appears to be prepared to pull back to east of the Saltoo Ridge area and expects Pakistan to withdraw to the west of Gryong area.[17] India and Pakistan had already exchanged instruments of ratification on non-attack of each other's nuclear facilities and installations. It has now proposed a "no first use" of nuclear capabilities against each other side.[18] Recently Delhi worked on a set of steps which, if implemented, could change the climate of hostility in the sub-continent. The proposals ranged from another look at the Siachen problem, the demarcation of the maritime boundary in the Sir Creek area and an assessment of the Tulbul project to the transformation of the line of control (LOC) in Jammu and Kashmir into a line of peace and an assurance of "no first use of nuclear arms against each other." By rejecting the proposals relating to Siachen, the Tulbul barrage project and the maritime boundary, and also for ensuring peace between the two countries by entering into a "no first use" nuclear pledge or extending the agreement not to attack each other's nuclear facilities to cover population centres and economic targets. Pakistan seems to have put up inseparable barriers.[19]

The reasonableness of these confidence-building measures seems to have been lost on Pakistan which has preferred to harp on a plebiscite in Jammu and Kashmir. The Spirit of 'globalisation' has failed to percolate down to the ruling circle in Pakistan.[20] The belligerant posture adopted by Pakistan on the concrete proposals made by India to lessen tension in the region and create an atmosphere in which all bilateral issues can be purposefully discussed and ultimately resolved, therefore, has come as a shock to thinking people—particularly in our part of the globe.[21] However, the popular opinion in both Pakistan and India was vehemently opposed to any concessions on Kashmir. Pakistan was still committed to the demand for a plebiscite. India still maintained that there no longer existed a Kashmir problem at all. India and Pakistani statesmen and diplomates were seen back to their habitual exchange of accusations and condemnations.[22]

The army of Pakistan had long been accustomed to declare that it could, given the chance, it was said, was the equal of three Indian soldiers. How much this kind of Statement was propaganda and how much was actually believed by men in positions of responsibility, it is difficult to say.[23] However, recent history has belied such a declaration, and Indian soldier has sufficiently established its know how and power during the 1947, 1965 and 1971 wars waged by Pakistan against India. The Times of India, in a lead article "Stalemate in Kashmir" writes: as long as Pakistan continues to believe in the efficacy of armed insurgency and continues to send trained personnel and weapons and explosives across the Line of Control, it is unlikely to accept any proposal to "stabilise" the line. After all, in the past few years, Islamabad has consistently breached the line by sending across armed militants and thereby violated article IX, Section 2, of the Simla Agreement.[24]

Gandhiji was not for division of Kashmir and as such the question of stabilising Actual Line of Control would not arise. The question arises, as to how the Azad Kashmir is brought back to the main stream. Gandhiji viewed: "There was now talk about the viviscation of Kashmir. It was fantastic. It was more than enough that India had been divided into two. One would have thought it impossible for man to divide a country, which God had made one. Yet it had happened and both the Congress and League had decided upon it, though for different reasons. But that could not mean that the process of dividing should be further extended.[25] Congress and Muslim League divided the country, the people of two countries are likely to do the historic job of unifying the two, as the people are not divided.

The virtual rejection by Islamabad of the very idea of keeping up a serious dialogue with India after the recent talks between the two Foreign Secretaries is not accidental. Benazir Bhutto has already said much to convince Pakistan's military elite that both of them are on the same wavelength. The Pakistani leaders are obsessed with enhancing Pakistan's military might. Ms Bhutto belligerence on Kashmir and her bid to deflate the notion of a dialogue with India have amply served this purpose.[26] What seems to be going on in Pakistan is militarisation under civilian aegis. Pakistan's political system is essentially a military dominated, notwithstanding some democratic trappings.

It would be wise for both India and Pakistan to announce the resumption of their interrupted dialogue. Shimla agreement on bilateral Relations between the Government of India and Pakistan, entered on July 2, 1972 and signed by Zulfikar Bhutto and Indira Gandhi, mandates the respective Heads of the both Governments will meet again and discuss at a mutually convenient time in the future including the questions of..... a final settlement of Jammu and Kashmir and the resumption of diplomatic relations. The sanner element in Indian sub-continent is for continuing dialouge between India and Pakistan. Inder Malhotra asserts: It's time both India and Pakistan realise that by keeping their talks going, neither side is going to have a favour to the other. As the relations between the two are so bad, there is overwhelming reason to keeping talking rather than start fighting.[27]

The President, Dr. Shankar Dayal Sharma, indicated in his speech recently: "Let the Indians and Pakistanis pray during the holy month of Ramzan as desired by Pakistan and then resume their dialogue. India and Pakistan can live in a climate of peace and co-operation." Both India and Pakistan should focus on employing practical ways and pragmatic approach, to resolve specific problems, such as demilitarising the Siachen glacier. Since India and Pakistan are both potential nuclear powers, it is all the more important that they settle their differences through negotiations. The dialogue must continue on.

India's dialogue should also continue with China because that can give an opportunity to take back 37,555 sq.km. of Kashmir's territory under China's illegal occupation and one-third of Kashmir under Pakistan occupation. Kashmir issue needs to be resolved peacefully through a meaningful dialogue. It needs to be remembered that a few months after 1962 Chinese invasion, Pakistan signed an agreement virtually gifting several hundred square kilometres of "Azad Kashmir" to the Chinese, which India is to have back. In nations life opportunities do come and a vigilant nation must keep itself on the heels to avail the opportunity, Kashmir in its totality including the areas in occupation of Pakistan and China needs to be addressed on a priority basis. There is no point in skying away from the issue. But a temporary truce may be possible only if India insists on Pakistan giving up violence against India.

References and Notes

1. Kuldip Nayar, "Globalisation of Kashmir", The Tribune, January 19, 1994 p. 6.
2. *Ibid.*
3. T.N. Kaul, "Without home and hearth", The Tribune-Sunday Reading January 23, 1994 p. 1.
4. The Tribune, January 20, 1994, p. 1.
5. H.V. Hodson, The Great Divide, (1970) p. 465.
6. The Security Council Official Records, (1948) pp. 1, 2. Also see Gulab Mishra, Indo-Pakistan Relations, (1987) p. 96.
7. *Ibid.*
8. *Ibid.*
9. Kuldip Nayar, "Globalisation of Kashmir", The Tribune, January 19, 1994 p. 6.
10. B.N. Kohli, "Pakistan's game-plan". The Tribune, January 18, 1994 p. 8.
11. *Ibid.*
12. "Pakistan Warns of another War", Indian Express, January 18, 1994 p. 5.
13. Sampooran Singh, India and the Nuclear Bomb (1971) p. 170.

14. T.N. Kaul, "Without home and hearth", The Tribune-Sunday Reading, January 23, 1994 p. 1.
15. Jagjit Singh,"Options on Kashmir", Indian Express, December 11, 1993.
16. "India Sends Pak Six Proposals", The Tribune, January 25, 1994 p. 1.
17. *Ibid.*, pp. 1 and 16.
18. *Ibid.*, p. 1.
19. The Times of India, January 30, 1994, p. 10.
20. "Pakistan-Backward March", The Tribune January 28, 1994, p. 10.
21. *Ibid.*
22. Alastair Lamb, The Kashmir Problem, A Historical Survey, p. 135.
23. *Ibid.*
24. "Stalemate in Kashmir", The Times of India, January 30, 1994, p. 10.
25. D.G. Tendulkar, Mahatma, Vol. viii, (1990) p. 211.
26. "Her War Like Posture", Indian Express, January 31, 1994, p. 6.
27. Inder Malhotra, "Time for Talks", Sunday December 12-18, 1993 p. 19.

Chapter 10

Transparency : An Utmost Need

> ***The secrecy that we had clamped on the Kashmir operations might had led to many wrongs and unjustified conclusions about the conduct of our security forces. There are many things that may be wrong in Kashmir. There may be mistakes by the security forces; there may be some casualties that could have been avoided; there may be failures in administration in ensuring civil supplies or in removing public grievances. But what is bad is the shiver of fear that prevents all those who ought to see conditions for themselves, from going to Srinagar. Worse than that was the curtain of secrecy that had imposed thoughtlessly in the past, which prevented humanitarian agencies from visiting the place and confirming that our laws are being implemented, and breach is being specially investigated and guilty punished.***
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> ***K.F. Rustamji, "A difficult job in Kashmir", The Tribune, March 3, 1994, p. 8.***

Fritjof Capra in The Turning Point, on right to information and mass media exerts: that to facilitate the cultural transformation, it will be necessary to restructure our system of information and education, so that the new knowledge can be presented and discussed appropriately. He further asserts that: The public's right of access to the mass media is an important aspect of the current social change. Once we succeed in reclaiming our mass media, we can then decide what needs to be communicated and how to use the media effectively to build our future.[1] Subhash C. Partap in his key note address on the "International Workshop on Human Rights," said: We stand at the threshold of a new century. Indeed, it is there on the horizon for us all to see. And on the horizan, we also see the vision of a new world, a world reflecting oneness and universality of all the mankind and oneness of the humanity and the human race.[2] All human beings have a right to share information. India appears to have adopted right path while permitting even the foreign tourists to visit the troubled State of Jammu and Kashmir and travel at will, see things for themselves and freely interact with the people. By adopting this mode of transparency, India is proving its credentials as a vibrant democracy.

Any nation which embraces democracy is bound to suffer conflict in the initial stages of its development because democracy is not a pre-fabricated mould that a country can fit into, rather it is a process of learning and evolving institutions and practices which will suit the country's particular traits. In a democracy, dishonesty, pride and dogma are always there to deflect, to distort and to betray. Perhaps, there is no safeguard except the vigilance of the public, as it becomes better education in the ways of democracy and in the power of its opinions. The defects and shortcomings of a democracy are not due to any inherrent weakness in its ideas but the great responsibilities it imposes on those who carry it out.[3] Democracy does not make the people wise, good, kind and caring but it merely gives them an opportunity. The people of Jammu and Kashmir too have an opportunity to interact among themselves and also with the rest of the humanity, due to "operation transparency" initiated by the Government to show certain positive results. V.R. Krishna Iyer on freedom of information writes that: For the proper evolution of humanity the dissemination of information is one of the major pre-requisites as absence of information is indeed equivalent to lack of air in an individual's lungs. Its effect is death.[4] In a democracy it is not necessary that every one should tow the same line of thinking. Freedom of expression is the rule, and it is generally taken for granted. Everyone has fundamental right to form one's own opinion on issues of general concern. One can form and inform by legitimate means.[5] Undoubtedly, insufficient information occasionally assumes the form of misinformation. So it is better to keep the people public informed, so that it is not misinformed. It is to be appreciated that passions overtake our understanding and we take sides before we have grasped what has happened and is happening. We are not necessarily better informed, after we have read and talked of any dispute, rather we are more polarized. Thus a balance is a must between the freedom of information and with-holding of the same.

The recent visit of four European ambassadors to Jammu and Kashmir herald a new strategy being adopted by the mandarins in

South Block. *"Operation Transparency"* is important for two reasons. First, it powerfully illustrates that India is an open society, which has no skeltons to hide. Second, it would help the west gain a better understanding of the genesis and complexity of the Kashmir conflict, in the hope that this will help strengthen India's case against Pakistan sponsored insurgency, the principal cause of the problem.[6] Islamabad all these years has been trying to take advantage of the situation in Kashmir, which is its own creation.

Pakistan's current strategy is to make Kashmir an international issue. But it may have missed the bus despite its American friends who remain keen to use Kashmir to compel India to sign NPT, or any version thereof. Its inability to wrest the State from India by force, during four years of insurgency in the State is the Pakistan's great failure. Ms Benazir Bhutto may fulminate against Indian "repression" and describe it as a holocaust, but it does not quite wash, not only because it is not true but because non-Indians, including American, British and German diplomats, have been visiting the valley routinely and have not come across and reported anything of the kind.[7] The recent visit of four European ambassadors to Jammu and Kashmir, one hopes, will open the eyes of the West to the fact that India is more sinned against than sinning. Fortunately, the four ambassadors who visited the strifetorn State have largely confirmed what India has all along been claiming.[8] During their in-depth meetings with a wide cross-section of the people in the State, the envoys were by and large favourably impressed with the handling of the thorny Kashmir issue both by the Government of India and State authorities. They are said to have more or less come to the consensus that, notwithstanding certain unfortunate aspects, the situation in Kashmir, from India's view point, is not beyond the point of nor return. In fact, they came back with the impression that the people in the valley are sick and tired of militancy and are eagerly looking forward to the return of normalcy.[9]

Public issues, public relations and public debates is a continuous process and continuous activity. Such an activity cannot be curtailed. One may turn to publicity on and off but public will still draw some conclusions of their own.

Information stimulates learning and in the process one learns how to be better. Learning kindles creativity. But also what our youth has learnt is not true learning. They have learnt terrorism, which in broad implies the use of violence to attain political or social ends. Usually it is transnational in character and assumes the form of a war of attrition by "invisible armies". It is a "low teach"; low-cost and high result route to world wide audience. It is propaganda by deeds.

Modern Terrorism is some kind of idealistic objective which terrorist want to achieve. It is practised largely by the educated and reasonably efficient class.[10] But once an individual gets into it, he cannot walk out. "Exit is possible only via the cemetery."[11] India has faced the on slaught of terrorism on the massive scale in all its forms and dimensions in the post decade and the International community continued to look on as "a mute spectator" on such a sensitive matter. Terrorism was being used against the sovereignty and territorial integrity of India. The terrorism which exploited religious differences assumed a dangerous form when devised and directed from abroad. unfortunately the international community, willingly or unwillingly, appeared to have contributed to this process by silence, which provided encouragement to terrorism. In this process terrorism appeared to have gained acceptance and even respectability and got characterised "Insurgency and freedom struggle," vehicle of so-called self-determination.[12] Terrorist violence in India, was an attempt to destroy the very structure and institutions which provided the foundation for democratic societies. unfettered use of sponsorship of terrorism had resulted in the indiscriminate use of explosives and mass destruction techniques in parts of India. Terrorism is also being used for the blatant spread of fundamentalism and creation of social and religious cleaveges and divides in the countries and the societies. This has eventually resulted in "ethnic cleansing" and large scale displacement of people in Jammu and Kashmir. We have even witnessed efforts to change the very demographic profile of one particular part of the State—Kashmir valley.[13]

Occupation of the Hazratbal Shrine in Srinagar by the militants, with the tacit support of the Inter-Services Intellingence agency of Pakistan and thereupon seizure of the Shrine by B.S.F. and Army Jawans on October 15, 1993 was a tailor made situation for the terrorists and their handlers in Pakistan to stage another operation Blue Star. Notwithstanding the ultimate success of the Indian army gives credit to the policy of transparency adopted by the Indian Government. The terrorists used weapons to wage a war against the State and held the place of worship and some innocent worshippers as hostages. The B.S.F. jawans and military defended the sanctity of the mosque. The seize was successful. The game plan of terrorists and their foreign abettors did not succeed and there was no damage to either the mosque or the Moe-e-Muqaddas. And no consequential and back lash as passed Major General Ashok Verma says that: "Terrorism is a psychological war, and if you hesitate, the terrorist will use that against you. The State may be bound and stifled by the constitution and the law of the land, but terrorist has not ground rules.[14] Terrorism has been with us for quite some time. Telangana became "red hot" soon after Independence. In the late sixties the Naxalites appeared like "a spring thunder" over West Bengal and Bihar, seeking "power through the barrel of the gun." At about the same time, in the North-East, insurgency, which had shown its fangs as early as August 1947, started making deeper inroads. Assam, Punjab and Kashmir followed : suit, staging the most heinous drama of Indian terrorism. Its bullets and bombs consumed two of our Prime Ministers.[15]

A sinister aspect of the problem was the prevalence of a reign of terror because of the emergence of a band of trigger-happy youths who felt no qualm in killing innocent people. The government machinery felt helpless because the miscreants after the crime would rush inside a religious place on the assumption that it would be out-of-bounds for the police. Reluctance and hesitation on the part of the government to send police force to religious places was seized criminals including murderers, secessionists and other anti-national elements as God-sent opportunity to use to precincts of these religious places as launch pads for secessionist and other anti-national activities and as a heaven of refuge of fugitives from justice. Enjoying immunity from the process of law by staying within some of the big religious places, some extremist leaders unleashed a campaign of venom and hatred and openly extended their patronage and support to the murderers and anti-national elements.[16] Those in-charge of these religious places did not seem to have realised the obvious that no government worth the name can for long allow any part of its territory to be used as a bastion for carrying on secessionist propaganda, or for harbouring murderers and other violators of law or as store-house for amassing arms.[17]

Inder Kumar Gujral, asserts that: Terrorism can ultimately be eliminated only if there is a stable political relationship in a stable society where opportunism does not make you to pick up those people who may either be criminals or who may have very angered attitude towards society gradually you can wean them away.[18] Contemporary terrorism made its appearance in the Europe of mid 60s as a millitant offshoot of radical student-politics, they started taking hostages. No hard and fast rule can be laid down to deal with terrorists acts. However, what is crucial is the general impression that the terrorists carry. The attitude of the Israeli government explains: after the Israeli authorities refusal to negotiate with the kidnappers of seven Israeli athletes at the Munich Olympics (1972) and the consequent death of those athletes, the Israeli Ambassador to Germany observed, "Once we give in to hijacking and kidnapping, these will only multiply. In these engagements every Israeli citizen knows that like a soldier on the battlefield, he may lose his life. We shall never neogtiate with kidnappers." The result of this attitude was the virtual end of hostage-taking of Israeli citizens.[19]

A similar attitude was adopted by Mrs. Margaret Thatcher, She declared, "We, in Britain will not accede to the terrorists' demands." Prisoners will not be released. If hijacked aircraft lands here. It will not be allowed to take off.[20] The U.S.A. too took a clear line. With regard to Libya, for instance, it adopted a firm and practical approach. And the problem ended.[21] Terrorists cannot be equated as freedom fighters. Senator Jakson of the United States, once observed: "The idea that one person's terrorist is another's freedom fighter cannot be sanctioned. Freedom fighters or revolutionaries do not blow up buses containing non-combetants; terrorists murderers do. Freedom fighters do not assassinate innocent, business men or hijack and hold hostage innocent men, women and children; terrorist murders do. It is disgrace that democracies should allow the treasured word "freedom" to be associated with acts of terrorists."[22] Abraham Lincoln was a humane, kind-hearted person but when confronted with the threat of vivisection of the country by secessionists and terrorists, he despites his humaneness took up arms and crushed with all the might forces posing threat to the integrity and unity of the United States of America. If America today is one strong country, its integrity and strength can in no small measure be traced to the determined stand taken by Abraham Lincoln during the American civil war to prevent the vivisection of the country.[23]

So far as Kashmir is concerned the people can be permitted, of course, to a limited extent to have a peep to the terrorist activities and as to how it is being curbed. Such a transparency needs openness.

Openness is likely to pay huge dividends to India in successfully establishing its case, before the world forums. India's open political system may generate a certain amount of surface turbulance but ultimately it is likely to harvest rich dividends. Even open criticism of government policies is no ground for restricting the freedom for information. We are to practise tolerance to the critical views of others. Intolerance is harmful in a democratic set-up. Our tradition teaches tolerance; Our philosophy preaches tolerance; our constitution practises tolerance; let us not dilute it.[24] Bhagwati J., in S.P. Gupta's case emphasised: "The concept of open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1) (a). Therefore, disclosure of information to the functioning of the Government must be the rule and secrecy an exception justified only where the strictest requirement of the public interest so demands.[25] Bhagwati J., further elaborates: A government which pursues secret aims, or which operates in greater secrecy than the effective conduct of its proper functions requires or which turns information services into propaganda agencies, will lose the trust of the people.[26]

In a democratic society like ours, the real strength lies in protection of individual freedom and basic human rights. So powerful are these ideals that even the most militant opponents of democracy "speak the language of democracy to justify themselves to those they rule.[27] Freedom to air one's view is the life-line of any institution and any attempt to stifle, suffocate or gag this right would wound a death-knell to democracy. It cannot be gain said that modern communication mediums advance public interest by informing the public of the events and developments that have taken place. Thereby then educate the public. It is the role considered significant for the vibrant functioning of a democracy. Therefore, the dissemination of news and views for popular consumption is a must and any attempt to deny the same must be frowned upon unless it falls within the mischief of Article 19(2) of the Constitution.[28]

In Kashmir, the lament is that: The media is constantly writing about human rights violations and there are countless stories of excesses being floated in both the print electronic media. But never have the journalists accompanied Jawans during search or cordons missions, while defending the country and its territories. Information is a must for progress of man and the society. One of the basic, values of a free society to which we are pledged under our constitution is found on the conviction that there must be freedom not only for the thought that we cherish, but also for the thought that we hate. Our vedic prayer says: "Let noble thoughts come to us from all sides.[29] The basic assumption in a democratic polity is that Govt. shall be based on the consent of the governed. But the consent of the governed implies not only that the consent shall be free but also that it shall be grounded on adequate information and discussion aided by the widest possible dissemination of information from diverse and antagonistic sources.[30] Information is to be welcomed just like a noble thoughts from all the corners of the world. However, information is not misinformation. To judge as to whether it is the information or misinformation, an independent thinking is a pre-requisite. Information and thinking are co-related. Information stimulates both thinking and learning. Thinking generates light and removes darkness whereas blockade to information impedes the process of progress. However, the information vital for the security of the State cannot be shared with everyone. In certain circumstances when the public interest does demand only a limited information might to be shared with concerned persons.

The right of the people *vis-a-vis* the right of the Government to the secrecy in the larger public interest may be explained: In a polity based on the theory that soverignty vests in the people, the right of the people to information partake the quality of a fundamental right. Equally fundamental in nature is the right of the Govt. to the secrecy in larger public interest. The seeming clash between the two rights can be avoided or smoothened out if each concerned party retains a healthy sense of proportion.[31] The fundamental right of free speech and expression; the right to give and take information and any restriction will have to satisfy the requirements of Article 19 (2) which authorises the State to impose reasonable restrictions on such right.

The idea of democracy involves freedom from all internal control or domination. Both the ideas combined together reassert the sovereignty and paramountancy of the peoples' will over everything.[32] Security of the State represents the smallest circle in the imaginary three concentric circles made of law and order, public order and security of the State.[33] Speeches or expressions on their part of an individual which incite or encourage the commission of violent crimes, such as murder, cannot but be matters which would undermine the security of the State and come within the ambit of law sanctioned by Article 19(2) of the Constitution.[34] Anything tending to overthrow the State must necessarily be prejudicial to the security of the State, and therefore, a law can be made placing restrictions on the right of freedom of speech and expression in this respect.[35]

The Apex court has made it clear in successive pronouncements that "Public order" is synonymous with public safety and tranquillity. It is absence of disorder involving breaches of local significance in contradiction to national upheavels, such as revolution, civil strife, war affecting the security of the State.[36] A restriction can be said to be in the interest of the public order only if the connection between the 'restriction' and the 'public order' is proximate and direct. Far-fetched or unreal connection between the restriction and public order would not fall within the purview of the expression 'in the interest of public order.'[37]

The right of the Government to withhold information on Kashmir in national interest is no less important as the right of the citizens—the enlightened Indians and the opinion makers to know the same in the fast changing alignments of today's world public opinions is the essence in making or marring the cause of a nation. In the absence of fuller information the opinion—makers or the adversaries will be free to spread misinformation and disinformation to India's disadvantage. Healthy debate on an important issue like Kashmir will not die in the din of rumour-mongering.

The freedom of expression is not only politically useful but it is indispensable to the opinion of democratic system.[38] True democracy can only thrive in a free clearing house of competing ideologies and philosophies—political, economic and social. In this the press has an important role to play. The day this clearing house closes down it would toll the death knell of democracy.[39] Press has a right and it is the duty of the opposition press to do its best to overthrow the party in power by all constitutional means.[40]

However, any effort to stifle legitimate criticism by the press is to be deprecated. While the Public in the mass may not be interested in any particular information. But once the information is broadcast, a mass sense of restraint responsibility would be a miss. Often there would arise confrontation with mob psychology. The trouble with the press the Fourth Estate—would tend to arise first owing to the very purpose of a newspaper, namely the performance of spreading the news and unoften reckless; on the official side, recognisably, there exists a tendency to ever stretch the secrecy in terms of the law protecting official secrets. Yet it is one of the handicaps of democracy that, at time, in an emergency when larger public interest are at stake, the Government cannot conceal information which had better not be thrown open to common knowledge at that particular juncture. There must be wholesome sense of responsibility and balance from all the three sides.[41]

To sum up, the secrecy that was clamped on the Kashmir operations might had led to many wrongs and unjustified conclusions about the conduct of our security forces. There are many things that may be wrong in Kashmir. There may be mistakes by the security forces; there may be some casualties that could have been avoided; there may be failures in administration in ensuring civil supplies or in removing public grievances. But what is bad is the shiver of fear that prevents all those who ought to see conditions for themselves, from going to Srinagar. Worse than that was the curtain of secrecy that had been imposed thoughtlessly in the past, which prevented humanitarian agencies from visiting the place and confirming that our laws are being implemented; and any breach is being specially investigated and guilty punished.[42] After the operation transperancy; all that the media can find worth mentioning is the failure here and there to use restraint in retaliatory fire, but the bravest of the media man refrain from putting in any word that could be in appreciation of the dangers faced by the security forces in Kashmir.[43] There is need to be transperant because what matters is what people speaks behind your back.

Clair Galez, chairperson of the Belgium based Organisation of International Relation and Human Rights Research recently said, India did not allow human rights organisations to visit Jammu and Kashmir earlier which in itself gave added advantage to Pakistan and its lobbies in the West that "India had something to hide". Policy of closing with India had also put India's case in default.[44]

Greater transparency, which India displayed, would help in projecting the ground realities and also give lie to disinformation campaign launched by Pakistan in the West to confuse the entire Kashmir issue.

Unfortunately, most of the human rights organisations, while speaking of unpardonable excesses of the security forces have by strange logic, chosen to circumvent the real causes of violation of human rights of our people, on massive scale;[45] the moment, fear of the gun goes certainly the people of Kashmir will breathe the air of freedom. The freedom of the gun was so strong in the valley that muted people dare not speak. A very few will speak the truth when there is the fear of the gun.

It would have been a mentrous perversity had Pakistan resolution on alleged human rights violation in Kashmir been voted by the Human Rights Commission in Geneva. India has successfully maintained an open society with a functioning democracy albeit with a number of difficulties. To focus on this country's seeming transgressions on human rights as an issue of urgent and great dimensions be speaks malafide political intentions. That Pakistan should indulge in this game is understandable. But the covert endorsement given to this perverse act by the U.S. Administration is not understandable. Ultimately good sense prevailed in, Geneva on March 9, 1994 when Pakistan was forced to withdraw its abnoxious resolution. The Geneva success is nothing more than crossing a stiff hurdle without getting hurt.

India handled the whole issue with calm disdain and sent out firm messages. Both the unanimous resolutions in Parliament and Home Minister's unambiguous statement on the U.S. attitude towards Kashmir had the desired effect on the representatives of the western nations as well as the Islamic countries. Geneva battle has been won but the war is still being fought. It can be won only when both the U.S.A. and Pakistan are made to realise that involving issues of human rights for pulpably political purposes will not succeed as far as India's rights over Kashmir are concerned. What remains to be done is to tell the sole super power of the world that India had clear-cut policy on Kashmir which rests on the premise that the accession of Kashmir to India is final, irrevocable and non-negotiable.[47]

Pakistani's decision to withdraw its controversial resolution criticising India's human rights records in Kashmir from United Nations Human Rights Commission meeting in Geneva is a singular triumph for Indian diplomacy. Procrastination followed by resolve is typical of the Indian style but it also has to do with the nature of democratic policy that functions best under pressure. After years of agonising and indeed dithering, India finally spelt out the bottom line on Kashmir by telling the world what the Pakistan game was all about. The most important point related to the fact that Pakistan was attempting to use a U.N. forum for propaganda purposes despite its clandestine role in sponsoning terrorism[47a] For years, India has been unable to utilise properly the mountain of material at its disposal conforming Pakistan's involvement in the terrorist activities in the Kashmir valley with the challenge in Geneva, it was able to do so in convincing fashion, a task no doubt assisted by its willingness to encourage the representatives of various nations to see for themselves the grim realities of the State.[47b] The India's next move should be to act swiftly to restore normality in the State.

The Pakistan's resolution of alleged human rights violations in Kashmir, having miserably failed, in Geneva it would be advisable that India invites Clinton to visit Jammu and Kashmir so that he can see for himself, as to how Pakistan has perpetrated terrorism in Kashmir and other parts of India. He should be shown the conditions under which the people uprooted from Kashmir by terrorists are living as refugees in their own country to enable him to realise the gravity of situation as a consequence to the activities of Pakistan and terrorists armed and trained by it.

The experiment "Transparency" has already paid us dividends and the openness—in contrast to nakedness must continue. The situation in kashmir need not make us passimist. The need of the hour is to persist with the experiment of transparency. John Maynard Keynes is justified in saying that both of the two errors of pessimism which now make so much noise in the world will be proved wrong in our time the pessimism of the revolutionaries who think that things are so bad that nothing can save us but violent change; and the pessimism of our reactionaries who consider the balance of our economic and social life so precarious that we must risk no experiment.[48]

Experiment Hazratbal is laudable. Thanks to the tactful handling of the Hazratbal crisis in full gaze of the watchful international media with virtual absence of any major meaningful charge of human rights violations except what Mrs. Benazir Bhutto would invent—there is hope for better understanding of Indian position *vis-a-vis* Kashmir around the world. The ground situation in the Kashmir valley is fast turning in favour and against the militant and anti-national forces.[49] Simultaneously, the Union Government has exhibited positive signs of moving towards restoring the political process in Kashmir.[50] These are all optimistic signs.

References and Notes

1. Fritjof Capra, The Turning Point, (1982) p. 454.
2. Subhas C. Partap, C.J. "International Workshop on Human Right, Key Note Address."
3. Anil Subramanium, "Democracy: Not Perfect But the Best", The Times of India, May 27, 1993, p. 8.
4. V.R. Krishna Iyer, Freedom For Information, (1990) p. 333.
5. Shetty, J. in re: S.Rangarajan Vs. P. Jagjiwan Ram (1989) 2 SCC 574, at p. 592.
6. Poonam, I. Kaushik, "Transparency Yields dividends", The Tribune, February 23, 1993 p. 8.
7. Manoj Joshi,"Impasse Over Kashmir", The Times of India, February 9, 1994 p. 10.
8. Poonam I.Kaushik,"Transparency Yields dividends", The Tribune, February 23, 1994 p. 8.
9. *Ibid.*
10. Khushwant Singh, "A Lasting Solution", in Terrorism in Punjab, Panchand Research Institute (1987) p. 17.
11. Jagmohan, "Terrorism and Human Rights", The Tribune, March 1, 1994, p. 8.
12. Madhukar Gupta, Indian deligate at the 50th Session as of the Commission of Human Rights. at Geneva, The Indian Express, March 5, 1994, p. 1.
13. *Ibid.*
14. Major General Ashok Verma, in Confront the Enemy" by Kripal Verma, The Illustrated Weekly of India, November 6-12, 1993, p. 28.
15. Jagmohan: "Terrorism and Human Rights", The Tribune, March 1, 1994, p. 8.
16. Justice H.R. Khanna, "Diagnosis and Prescription in Terrorism in Punjab, Cause and Cure, Panchand Research Institute, (1987) pp. 5,6.
17. *Ibid.*, p. 8.
18. Inder Kumar Gujral, "A Plea For Stability", in Terrorism in Punjab: Cause and Cure, Panchand Research Institute, (1987) p. 71.
19. Jagmohan, "Terrorism and Human Rights", The Tribune, March, 1,1994, p. 8.
20. *Ibid.*
21. *Ibid.*
22. Jakson in, "Independent Kashmir", by Jagmohan, Indian Express, March 2, 1994, p. 6.
23. J. H.R. Khanna, "Diagnosis and Prescription" in Terrorism in Punjab Cause and Cure, Panchand Research Institute, (1987) p. 15.

24. Reddy, J. in re: Byjoe Emmanued Vs. State of Kerala, AIR-1987 SC 748 at p. 758 para 24.
25. S.P. Gupta, vs. President of India, AIR 1982 SC 149.
26. *Ibid*. at p. 234.
27. Jay Tilak Guha Roy, "Open Government and Administrative Culture in India", IJPA (1990) p. xxxvi No. 3, p. 291. Also see, The power of Democratic Ideas-Sixth Report of the Rockfeder Brothers Fund Special studies Project, Indian Reporting (1967) p. xiii.
28. A.M. Ahmadi, J. in re: in LIC of India vs. Manmohan D. Shah, (1992) 3 SCC 637, at pp. 650-651 page. 8.
29. Narinder vs. State of M.P. AIR 1974 SC 1232 at p. 1251.
30. Himatlal Vs. Police Commissioner, Ahmedabad, AIR-1973 SC-87.
31. T.S. Negi, in Bureaucracy and Social Change, (1994) p. 71 by M.G. Chitkara.
32. Ram Nandan vs. State, AIR 1959 Vol. 101 at p. 118.
33. Ram Manohar Lohia vs. State of Bihar, AIR 1966 SC-740.
34. State of Bihar Vs. Shailabala Devi AIR-1952 SC 329 at p. 330.
35. Santokh Singh vs. Delhi Administration, AIR-1973 SC 1091 at p. 1093.
36. The Superintendent Central Prison vs. Dr Ram Manohar Lohia, AIR 1960 SC 633 at p. 641.
37. O.K. Ghosh vs. Ex Joseph, AIR 1963 SC 812 at p. 814.
38. Bannott Coleman & Co., AIR 1973 SC 106 at p. 138; Also see Manekha Gandhi vs. Union of India, AIR 1978 SC 597 and 664.
39. Binod Rao vs. Minocha Rustam Machni Bom. LR 125.
40. In re: Septaha AIR 1950 Cal. 444 at p. 458.
41. T.S. Negi, in Bureaucracy and Social Change (1994) p. 71 by M.G. Chitkara.
42. K.F. Rustamji, "A difficult job in Kashmir", The Tribune, March 3, 1994, p. 8.
43. *Ibid*.
44. "Pak behind rights violations", Indian Express March 4, 1994, p. 1.
45. Pandita in "The gun must be silenced in Kashmir" by Subhash Kirpekar, The Times of India, March 3, 1994, p. 8.
46. "Battle Won But War Ahead" The Tribune, March 11, 1994, p. 8.
47. *Ibid*.

47(a). "Triumph in Geneva" The Times of India, March 12, 1994 p. 8.

47(b). *Ibid*.

48. John Maynard Keynes, The Tribune March 3, 1994, p. 8.
49. "Talking Tough on Kashmir" The Tribune March 5, 1994, p. 10.
50. *Ibid*.

Chapter 11

Forever with India

> ***A Unitary system founded on a vibrant grass-root democracy would certainly have been preferable to the slavish distribution of powers between the Centre and the State with virtually non-existent democracy at the grass-roots. The salvation may get lie in strengthening the grass-roots without reducing the States to irrelevance.***
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> ***—S. Sahay, "Costly Mistakes", The Hindustan Times, February 11, 1994, p. 13.***

Kashmir a world-renowned land has a beauty of its own, is rightly called the Switzerland of India, is in lime light today. Till recently Kashmir was a princely State like hundreds of other States and witnessed a transition from monarchy to a democracy. The process of socio-political change in Kashmir is slower than in other Indian princely States where Bismarck's "blood and iron" like skill of Sardar Vallabh Bhai Patel, resulted in not only the integration but complete assimilation of the people of the princely States with Indian dominion. Kashmir's fate being hanging in the balance, the reforms were in instalments. Each reform or move creates a stir and the issue is internationalised. The propriety of measures, how-so-ever beneficial to the people may be, are questioned.

The Kashmir problem is our own creation, National misery is ensured by the people's pathetic reliance on the problem-makers to solve problems. It is strange obsession with us as a nation to expect that a candle which burns at both ends, will not burn out in the end. Self-delusion as the sustainer of hope serves a purpose. For a large country it becomes too stark and harsh for the very survival of the nation.[1] The attitude of everyone regarding Kashmir issue, appears to be based not on facts and merits but on one's rooted prejudices and the results is that Kashmir the land of peace has become a land of war. Peace is vital ingredient for our march to our destiny. We shall have peace only if we are strong. But as on today, the

Kashmir's peasant is poor. All they need is removal of their poverty. Sufferings due to poverty are the main problems of Kashmiris. The Kashmiri wood-carver, generally works in a small den from morning till evening with a little nail and little hammer and lives on a little rice. It would be his good fortune if he could earn enough to eat it twice a day. Nature has given them an artistic mind, but poverty keeps most of them away from creative occupations. Their struggle is economic.[2]

In the past, instead of cultivating the common man, India had been relying upon individuals—Sheikh Abdullah, Mir Kasim, Shamsuddin, Gulam Mohammad Sadiqq, Farooq Abdullah and the others. History testifies that the situation remained slippery like a fish in the hand. The circumstances do reveal that subsidies meant for common man has been cornered by a few affluents. The rampant corruption and inefficiency in the administration alienated the people. Law and order has practically collapsed in the State. The test of restoration of law and order and establishing peace is the task of administration and requires a rare single-mindedness of the purpose. The dissent among the people need not be misunderstood, as dissent is the *sine qua non* in a democracy. In democracy, one millions overnight becomes one of the millions.[3] However, in Kashmir it is not passive dissent but an insurgency inspired and egged on by certain secessionist element from across the border. The solution lies in toning up the administration and cultivating the people. Then and then alone people will feel the real glow of the democracy. According to Carlyle, democracy will itself accomplish the salutary universal change from delusive to the real, and make the new blessed world bye and bye for us. His Holiness the Dalai Lama reminds us that "India is not aware of its strength. Democracy is the greatest source of strength for any country. Being the largest democracy of the world, India is capable of taking on any power on the earth. It just needs the courage to act."

Kashmir not only "excels" other States in many good things but alas inefficiency and corruption but the administration unfortunately is communalised. Communalism vitiates the atmosphere. Maulana Wahiuddin Khan justifiably says: "Those who choose to remain silent over the rights and wrongs of an issue when the parties involved are both from their own community, but on the same issue are found in support of their side if another community is involved.... The Muslims of to-day see their own co-religionist indulge in every kind of profanity and injustice, but behave as if they are quite oblivious of an insensitive to, such action.[4] He explains that Muslims leaders, who proclaim with pride that they have brought together hundreds of thousands of Muslims over a single issue, forget that the crowds assemble not in quest of justice *per se* but with the desire to see another community brought law,[5] though Islam ordains and emphasises human equality and fraternity. On the achievements of Prophet, Yusuf Husain, in Indo-Muslim polity, writes: "It is a remarkable achievement of the prophet that he succeeded in abolishing all distinctions of birth. The degree of individual's merit and usefulness of society was setforth as the only standard of his worth. For him human equality and fraternity were not abstract norms, but real objective values and they pertained not merely to the consciousness of man but also to his actual social behaviour, their main quality being, in contradistinction to the general run of human activities, the creation of a new social pattern."[6] Quran insists that there is no specially privileged class, neither a hereditary aristocracy nor a privileged priesthood in Islam. Socially, there is no difference between the greatest and the commonest of the faithful. Politically, Islam is not committed to any particular form of sovereignty, such as kingship, aristocracy, or democracy. Its initial impulse was democratic, though in the course of history it underwent a radical change.[7]

The prevailing situation in Kashmir to-day is the outcome of a communal immorality and un-Islamic act of its leaders qua their Hindu brethren. It was in December 1989- January 1990, when the first burst of violence against Indian authority and Hindus, was erupted. It was remarkably shameful for its accompanying brutality. Government officials, especially Hindus were singled out, tortured and executed, so were many Pandits. Rape, torture and killing of women[8] were instance against the Islamic tenets and in utter violation of human rights. Ultimately most of Kashmiri Hindus were forced to leave their hearth and home. There were no protests even by Kashmiri Muslims against such brutalities; indignation against injustice.

Violence committed by Pakistani trained infiltrators, terrorists and successionists and similar reaction is not likely to bring peace to Kashmir. Violence cannot be eliminated by violence. Genuine peace can be achieved only through a genuine sense of brotherhood and sisterhood based on love and kindnesses.

The universal declaration of Human rights promulgated by the United Nations to which India is a party, proclaimed basic human rights, although it did not provide any machinery for their enforcement.[9] The emphasis of Human Rights was not without its impact on our Constitution. The cruelties and bruitality of Nazi regime and the extermination of millions of people in gas chambers took place during the second world war, which ended with the surrender of Germany on May 8, 1945. In our own country gross acts of cruelty and barbarism, gravely threatening law and order, were perpetrated by members of different communities preceding and following the partition of India. These events in war and in peace left their mark on our Constitution.[10] Despite constitutional safeguards, the Human Rights have been violated in case of Kashmiri Hindus with immunity. The working of the Constitution does not depend wholly upon the nature of the Constitution. The Constitution can provide only the organs of the State. How it is worked out depends on the people themselves. They will set up their instruments to carry out their wishes and their politics.[11] Dr. Ambedkar, on the practical aspect observed: "I feel, however, good a Constitution may be, it is sure to turn out bad because those who are called to work it, happens to be a bad lot." Laws in itself are not enough. These need some order in their execution. M.V. Pylee has rightly observed that "A Constitution when written does not breathe. It comes to life and brings to grow only when human elements get together and work it.[12]

The only solution for Kashmir issue and indeed for the variety of separatist demands raised on the basis of ethnicity and religion, is economic growth and development, overlaid by advances in distributive justice and democracy where caste, creed, sex and colour recede as causes of exploitation and conflict.[13] Jammu and Kashmir like rest of India is, undoubtedly a multi-religious, multi-ethnic society in which Hindus, Muslims, Buddhists and Christians have traditionally lived in harmony: until Pakistan introduced religion-based separatism through its policy of sponsoring terrorism. The plight of minorities, in Pakistan which branded its citizens into separate categories by introducing a system in which its own citizens are identified on the basis of religion is nothing but religious apartheid at worst. Whereas India does not only proclaim to be a democratic secular country, it actually practices secular India. All citizens in the country are treated on the basis of equality.

Tolerance is the basis of a democratic society. Intolerance and discrimination has not been tolerated and shall not be tolerated.

Jagmohan in "My Frozen Turbulence in Kashmir" asserts that: It has often been said that history repeats itself. But in the case of Kashmir, history appears to have repeated itself many times over, both as tragedy and as farce. Vincent A. Smith correctly remarked, "Few regions in the world could have had worse luck than Kashmir in the matter of Government." India all these years has been appeasing the Kashmir leadership. This leadership in turn has been breeding undergrowth of appeasement and patronage, on the communal lines.

The activities of the State have expanded and presently extend from underneath the ocean to above the sky and beyond it, due to welfare activities and the enormous problems that we are facing since partition. To-day, the administrative State is concerned with almost all aspects of human life including such areas as social services, education, exploration and conservation of natural resources. Scientific and technological developments and space, Satellite and Communications research making public services the largest employer in the Modern Sector of economy of the majority of the countries throughout the world. Most of the attributes of administration are lacking in Kashmir. In Jammu and Kashmir Administrative Reforms are overdue but we have shied to bring any radical reform. We have not begun assessing the Kashmir as a viable State. We could very well send to Jammu and Kashmir our advisers with long record of public service and experience of administration. We suffered all these years because of appeasement of Sheikh Abdullah and Bakshi Ghulam Mohammad and his friends continuance of which policy is fraught with much danger. Time has come when we should not depend on any particualr man for weeding and assimilating Kashmir, which is integral part of India. It is the masses that should be won over. Swami Vivekananda advised that no amount of politics would be of avail until masses are once more well-educated, well-fed and well cared for. Such rights of man are not only against the government but against the people collectively. Humanity is one enormous extended family, with all obligations of the family membership. One of the basic right is the right to decent living embodied in Article 25 of the Universal Declaration of Human Rights, 1948.[14] Paul Seighart, pointed out that the test of rights is not whether the prosperous, with access to the law courts, are well protected, or whether living standards for the majority are improving but whether the weak are helped by the strong. "Ultimate measure of whether a society can properly be called civilized is how it treats those who are near the bottom of its human heap.[15] P.B. Gajendragadkar emphasised that the concept of "social revolution" takes within its sweep the objective of removing all inequalities and affording equal opportunities to all citizens in social life as well as economic activities.[16] The obejctive of social revolution, of course, is to secure for each human being, the economic necessities and a decent standard of living conditions, equal opportunities with his fellow citizens, and the highest possible degree of self-respect, freedom of thought and action without interfering with the same rights of others.[17]

That would be possible through a most efficient honest dedicated executing agency-administration and Government. Presently, money is being poured in Jammu and Kashmir like anything. It is causing a big hole in our financial bucket. It is time the Government of India realises the uselessness. It is unfortunate that in Kashmir, the loyalties of a section of the Government employees are open to question. They are like Trojan horses. Even the security forces feel particularly peeved about the attitude of these functionaries on sensitive issues. They feel hamstrung in their operational efforts in the absence of cooperation from the local administration. Such employees are an unashamed lot and their brazenness is shocking. Some even contribute a certain percentage of their salary every month to the militants coffers. It is perversity of peaceful co-existence.[18] There is no getting away from the grim reality that Kashmir represents the greatest threat to the national security to-day. The separatists' movement constitutes the biggest challenge the country has faced to its unity and integrity since the dawn of independence. The security forces, despite the fact that they operate in an unfriendly and inhospitable environment, are doing commendable job. Militants are being apprehended but Pakistan has continuously been replenishing the militant losses. The strategy should be to stop infiltration, deal with those who manage to enter the hills and, finally prevent their entry into the valley at any cost to eventually to bring peace.

Time is running fast in Kashmir. Pakistan is getting desperate. It is high time that a well-coordinated plan of action is worked out and pursued with vigour. It must be remembered that the modern era of welfare State, whose activities have increased considerably. In

Kashmir it is time of great crisis. Our administrators are adequately trained in a profession where it is necessary to take concrete action in hours of crisis often at great risk. We have enough experience of practical government in crisis management and Kashmir history is repeate of one crisis after another. The administration these days appear to be on the right track; A month long "Operation Good-Will" mounted by the Northern Command in commemoration of Army Day Celebrations. "Operation Goodwill" was launched with the ushering in of the New Year to achieve pre-determine time-bound targets of organising free medical and veterinary camps, holding ex-servicemen rallies at different places, construction of roads in remote village mostly located in the periphery of border areas, renovation of school buildings, construction of community places, repair of bridges, water sources and launching of new-water supply schemes. There are welcome signs.[19] Such activities are a must for a welfare State and is the best way to cultivate direct relations with the people. Luckily, thousands of students from Kashmir who are studying in the Universities of Bihar, Maharashtra, Karnataka, Delhi, Aligarh and Jamia Milia Islamia and having inter-action with the rest of Indians, are constantly appreciating that their interest lies in remaining with India. In addition, Kashmir handicraft shops are located all over the country and in each five-star hotel, the most expensive shop is owned by a Kashmiri; The moneyed people of the valley own vast properties in Delhi. Bombay and some other parts of the country. All these put together, there is lot of vested interest in Kashmir remaining with India.

The tragedy of Kashmir is that its economy is over-dependent on one source-tourism. Alternative sources of generation of employment and income through the establishment of many small-scale and cottage industries should be attempted of gainful employment, they are unlikely to the violent element.[20] In the past there has been large-scale misuse and mis-appropriation of funds earmarked for development in the State. The utilisation of funds should be closely monitored at the grass-roots level. The grass-roots administration and public services like the medical, transport and public distribution facilities are to be revived and revitalised.[21] Security forces should be well advised to adopt moderation in their dealings with general public. They should not treat the general citizenry as militants. Violations of human rights of innocent citizens provide sustenance to violent elements. It is mistaken belief that terrorism can be responded to, and even eliminated, by only State terrorism exercised with repressive measures in brutal manner. Terrorism is to be controlled. Strict compliance with human rights standards are to be insisted upon. Torture, hostage-taking, fake encounters, etc., are to be eschewed. Security forces should remember that in their fight against the militants, operational intelligence can only come from local population. Their friendship and co-operation is essential in the fight against the militants.[23] The army and the B.S.F. should tighten their control on the border and Line of Actual Control to ensure that no infiltration takes place and arms and ammunition is not ferried from across. Intelligence agencies should concentrate on unearthing the hostile net-works and neutralising them. The civil police system should be revamped and its skill upgraded to provide protection to the common man. It should be realized that battle for democracy should be fought by the people of Kashmir themselves with the help of the rest of India. Others cannot fight their battle.[24] Kashmir needs governance with people's participation.

The administration and the governance at all levels from village to the State capital is for the governed—the people and unless the people are taken into confidence in decision-making, participation and execution works, there can be no progress and prosperity in the real sense. Gandhiji believed in administration at the ground level. He visualised "seven hundred thousand" villages of India organised according to the will of the residents of the villages themselves.[25] Gandhi's rare description of village self-government is relevant in the present day context of Kashmir, where the development is uneven and its benefits have been cornered by a few afflunt. His idea of village swaraj was of complete republic, independent of its neighbours for its vital needs and yet inter-dependent for many others in which dependence is a necessity.[26] Shriram Maheshwari is of the view that India is on its way having a strong rural administration but not the rural government. The objective of rural administration has been to generate employment at the local level, as also to provide man power at the State and National level.

The ultimate analysis appears to be that if the Pakistan's proxy war is to be defeated in Kashmir, its agents in the administration must be ruthlessly weeded out in the valley, what is needed to-day first and foremost is to restore the administration and curb insurgency with a firm hand.[28]

The Civil servants provide the frame-work the administration. They undertake welfare work. To-day, the administrative State is concerned with almost all the aspects of human life. Without the services of the administration, no work can be accomplished efficiently and effectively. The *inter-se* change of civil servants on all India basis and interaction between the masses, will generate a feeling of oneness in the people of Kashmir with rest of the countrymen. A Unitary system founded on a vibrant grass-roots democracy would certainly have been preferable to the slavish distribution of power between the Centre and the State with virtually non-existent democracy at the grass-roots. The salvation may get lie in strengthening the grass-roots without reducing the States to irrelevance.[29]

One of the peculiar features of our Constitution is the setting up of a strong Centre. No momentous decision can be taken promptly by the Federal Government without the consent of the States. In order to meet such a contingency, the Indian Constitution provides for a strong Centre which is capable of taking a prompt decision in any emergent situation calling for an urgent action. The Indian Constitution thus envisages a strong Government at the Centre which can be unitary according to the requirements of time and circumstances.[30] Dr. Ambedkar said that Articles 250, 352 and 353 of the Indian Constitution are, "both Unitary as well as Federal according to the requirements of time and circumstances. In normal times, it is framed to work as a federal system. But in times of a war it is so designed as to make it work as though it was a unitary system.[31] In the words of Sir Ivor Tennings "the Union of India is a federation with strong centralising tedency.[32]

In a secular democracy with the world's second largest Muslim population, there should be no justification for meting out any sort of distinctive treatment to predominently Muslim majority area. That nullifies the concept of secularism. K. Srinivas Rao is justified when he says: The continuing process of Article 370 in our Constitution and the reluctance of the Government to delete it and put Kashmir at par with other States in India, shows that we ourselves have never been very sure that Kashmir will always remain with us.[33] Article 370 of the Constitution make a distinction between the citizens of India and separates the State of Jammu and Kashmir from rest of Indian States. It also provides a special status for the State and as such is discriminatory in nature. Deletion of

Article 370 is essential, in making Kashmir an integral part of India now and for ever.

Kashmir, undoubtedly is an integral part of India. The economic and social advancement of the State requires that it intergrates with India, in its fullness. The State be brought at par with other Indian States. There is no justification for keeping the people of the State out of the pale of the Indian Constitution, in the making of which Kashmir representatives, particularly, Sheikh Abdullah had also taken due part in the deliberations of the Constituent Assembly. India has now clearly, unequivocally and finally declared that not an inch of Jammu and Kashmir territory would go or remain either with Pakistan or with China. Effective steps need to be taken to liberate occupied territories of Kashmir from Pakistan and China.

References and Notes

1. V.N. Narayanan, "Lies, damn lies and denials," The Tribune, July 1, 1993, p. 8.
2. Mohinder Behl, "I was on Kashmir Front", (1954), pp. 4,10 and 22.
3. Jagat S. Bright, Kashmir Forever, (1958) p. 45.
4. Maulana Wahiduddin Khan, "Religion beyond Limits of Nationalism", The Tribune, February 8, 1994, p. 8.
5. *Ibid.*
6. Yusuf Hussain, Indo-Muslim Polity, (1971) p. 2.
7. *Ibid.*, pp. 4, 5.
8. Manoj Joshi, "Impasse Over Kashmir", The Times of India, February 9, 1994, p. 10.
9. Wade and Phillips, Constitutional and Administrative Law", pp. 534-39.
10. HM Seervai, Constitutional Law of India, 4th Ed. Vol. I, (1991) p. 155.
11. CAD XI, p. 975.
12. M.V. Pylee, Constitutional Government in India, (1960) p. 700.
13. Manoj Joshi, "Impasse Over Kashmir", The Times of India, February 9, 1994 p. 10.
14. Nurie A. Palkhivala, We, the Nation, (1994) p. 25.
15. *Ibid.*
16. P.B. Gajendragadkar, Law, Liberty and Social Justice, (1954) pp. 77-79.
17. Friendlander, Introduction to Social Welfare (1981) p. 11.
18. Prakash Singh, "To win the Kashmir War", Indian Express, February 17, 1994, p. 6.
19. "Operation Good Will A Success", Indian Express, States, February 3, 1994, p. 11.
20. S. Subramaniam, "Holistic approach to internal security", The Tribune, March 10, 1994 p. 8.

21. *Ibid.*
22. S.K. Bhatnagar "Terrorism and human right", The Tribune, March 10, 1994 p. 8.
23. S. Subramaniam, "Holistic approach to Internal Security", The Tribune, March 10, 1994, p. 8.
24. *Ibid.*
25. Jaya Parkash Narayan, "Gandhi and the Politics of Decentralisation" in S.N. Ray, India and the World: An international Symposium, (1970) pp. 243-244. Also see Harijan July 26, 1942 p. 238.
26. *Ibid.*
27. Shriram Maheshwari, Indian Administration, (1991) p. 501.
28. L.K. Advani "Political Process in J & K Ridiculous", The Tribune, March 21, 1994 p. 1.
29. S. Sahay, "Costly Mistakes", The Hindustan Times, February 11, 1994, p. 13.
30. K.P. Chakravarti "Wards and Phrases Under the Constitution (1986) p. 95.
31. CAD, Vol. VII, pp. 34-35.
32. Jannings, Some Characteristics of the Indian Constitution, p. 166.
33. Srinivas Rao, "an agenda for peace in Kashmir", Indians Express, February 14, 1994 p. 8.

Chapter 12

Political Process

Kashmir, the wounded valley is no more a subject of a solely domestic concern but currently occupies a position midway between domestic and international situation. Prem Bhatia's emphasis is that "Talk about the restoration of 'Political process' is accompanied by doubts about the possibility of a free and fair election under the threat of militant bombs and bullets".

Prem Bhatia, "Kashmir : Talk and Reality" The Tribune, May 27, 1994, p. 8.

India was partitioned and Pakistan was created not because of the wishes of the people but due to the bully in Muslim League, intrigues, British diplomacy and power greedy politicians. S.A.A. Rizvi, however, holds British Civil Service as one of the major factors in exacerbating the differences between Hindus and Muslims which eventually led to the partition of India and independence in 1947.[1] Master Tara Singh while explaining the geninue grievance of Punjab Hindus in general and Sikhs in particular, about the partition of the country, has aptly put it as to how power greedy politicians were responsible for the partition and the consequences which led to partition: "In their inordinate haste to grasp power the leaders have thrown them to wolves."[2] The great country was divided into two parts because of the over-ambitious politicians. But the impression that was created among the people, by the ruling parties in the two countries—India and Pakistan, was the tragedy of partition occurred because the two communities did not want to live together.[3]

The British who came to India as traders, fought like adventurers and intrigued like consumate politicians, and ultimately stumbled upon an empire vaster than that of Ashoka and richer than that of Moughals.[4] But before leaving their prized possession the British diplomacy succeeded in dividing the country into two independent and soverign countries. For the British, the India could well break up into three instead of two-Hindustan, Pakistan and Bangladesh.[5] Jinnah had agreed, according to Lord Mountbatten, to the concept of an independent partitioned Bengal.[6] The British diplomacy appears to be a continuous unending process. The freedom to India and Pakistan in mutilated shape was just a transfer of power with a strong thread of continuity with the past—The East India Company had primarily only trading interest but eventually succeeded in establishing a great British Empire. Their policy of divide and rule is now with a purpose to multiply their sales and dump the military hardware in Indian sub-continent, because the trader in British never died, nay, that attitude was fostered and they flourished at the cost of India, Pakistan and Bangladesh and would continue to flourish till we are determined to remain divided. The Americans today appear to be toeing British policy of divide and rule, qua Kashmir and other issue, as their long range business diplomacy. They are on the same waivelength and are not likely to hesitate in further partitioning the Indian sub-continent. R.R. Diwakar, in his work Mahayogi asserts that: During the middle of this century, when faced with the loss of Indian Empire, the British handed over the Empire, with good grace so that they might retain shop part of it: Empire lost, but business as usual[7] and trader's diplomacy of divide and rule economically goes unhampered.

The British diplomacy, undoubtedly was not confined to one partition but number of partitions in times to come and intended to completely Balkanise Indian sub-continent. Pakistan, virtually an extension of India, has already been Balkanised on creation of Bangladesh. Further balkanisation of Pakistan is also not ruled out, if the people fail to learn from past and that will be harmful for India as well. One has to agree to many undesirable things under the stress of dire necessity or some compelling disaster. The circumstances might have forced the partition, what logically and normally must not be divided. Jawahar Lal Nehru has explained in The Discovery of India that the British proposal was not a mere acceptance of Pakistan or a particular partition, bad as that would have been, but something must worse, opening the door to the possibility of an indefinite number of partitions. It was a continuing menace to the freedom of India.[8] Undoubtedly, the partition of India was a political partition on the communal and religious basis and was forced on India by Jinnah and the Muslim League with the help of foreign rulers.[9]

The idea that India's Muslims should set up a State of their own was formally articulated for the first time by Chowdhari Rahmat Ali on January 28, 1933. He viewed that the very notion that India formed a single nation, was preposterous falsehood. He called for a Muslim nation carved out of North-West Indian provinces, where the Muslims were predominant, the Punjab, Kashmir, Sind, the NWFP and Baluchistan. It was named "Pakistan—the land of pure."[10] In April 1934, the Indian Muslim League, made Muhammad Ali Jinnah, as its permanent President.[11] The Muslim League, at its Lahore Session, held on March 22, 1940, resolved that it would accept nothing short of 'separate and sovereign Muslim State', comprising geographically contiguous units in which the Muslims were numerically in majority.[12]

Academic and intellectual deliberations on the Kashmir issue have been on the increase since 1991. These involved preparation of situation reports and papers on conflict resolution and confidence-building measures. The school of Oriental and African Studies in London organised a seminar on Kashmir on April 8, 1994. The most significant presentation, from India's point of view, came from Iftikar Malik of St. Anthony's College, Oxford. After delivering himself of admonitions that "Kashmiris must no longer be held hostages to egocentricism bordering on fascism," that India should herald a new era of regional peace and coexistence, and that "Kashmir to Pakistanis is the constant reminder of an incomplete Pakistan", he enumerated the following possible solutions to the Kashmir problem: all-out war, stalemate, third option of an independent Kashmir, third party arbitration, Trieste-type solution, Owen Dixon formula, confederal arrangement and Cantonisation of the sub-continent (really balkanisation). J.N. Dixit forewarns that "despite Malik's moderate image in academic circles in England, I see the ghost of Chowdhari Rahmat Ali come alive in his advocacy."[13]

Kashmir is at the core of geopolitical equations in the sub-continent and the stability and security of India. It is the central issue because the manner in which India conducts itself in Kashmir, the manner in which India and Pakistan resolve the problem, and the manner in which the international community reacts to the situation and contributes to a solution profoundly affects the existence of the Indian Republic as a democratic, multilingual, multi-religious, multi-ethnic, pluralistic State and Society.[14] Politically, accepting the separation of any part of India on the basis of religion, strikes at the foundations of the Republic. Though. Indian leaders accepted the partition of 1947 may be under force of circumstances, but India did not and does not accept the two-nation theory based on religion. India's perception of nationhood is eclectic and multi-dimensional. A sumbiosis of factors and elements weld people into one national identity. Religion alone is not the basis for national identity and national territorial aspiration.[15] The ideology of two nation theory began to collapse immediately after partition. Indo-Pak problems, including that of Kashmir, can never be effectively solved until and unless the partition is annulled. Partition has solved no problems. Further partitions in Indian sub-continent, will aggravate the problems. Partition has neither brought peaceful co-existence nor it has resulted into desired Hindu-Muslim amity and the economy of the masses has not improved. India has always stood for co-operation and friendship, with malice towards none.[16] The partition has proved to be an evil and further partitions would be still worst. The predicament in Kashmir is an aggravated form of what is happening elsewhere in India and Pakistan with additional factors of specific historical development.

Demographically, Kashmir division dominates the State by virtue of its population and Ladakh division by virtue of its area. Out of the total area of 2.22 lakh sq. km., about 35 per cent is under the illegal occupation of Pakistan, an additional 2.3 per cent, which was formally occupied by Pakistan has been handed over to China, which is already in illegal occupation of another about 17 per cent of the State territory. This leaves just 45.6 per cent (1.01 lakh sq.km.) of the total area under effective State control. Hindus are mainly concentrated in Jammu division 66.33 per cent, Muslims in Kashmir division (94.96 per cent) and Buddhists and Muslims Shia in Ladakh division (50.88 and 46 per cent respectively). However, no part of the State is exclusively Hindu, Muslim or Buddhist.[17]

A recent report entitled "Kashmir: the troubled frontiers" cautions that "the great game" which the British played in the 19th century has been revived now by the U.S. administration.[18] United States is interested in establishing an independent Kashmir State to enable it to have a foothold in the valley to influence events in India and Pakistan and pose a direct threat to Tibet, warn defence experts.[19] Maj. Gen. (Retd) Afsir Karim heading the Indian defence review research team recently said, "In view of this they may prefer to leave the present status of Pakistan Occupied Kashmir (POK) and Jammu undisturbed, and menoeuvre to get a foothold in the Kashmir Valley and parts of Ladakh."[20] As regarding the three regions of Jammu, Ladakh and Kashmir, the defence experts have advised the declaring of the Kashmir division as a union territory, while retaining the present status of Jammu and Ladakh.[21] The report advocates confronting Pakistan with tough options to deter it from export of terrorism and chaos to India. "We can raise the ante by starting counter-movements in Sindh and Baluchistan, even POK", the experts say adding besides this, a very strong military threat should be posed to Pakistan with the aim to break down its political will to pose a threat to India.[22]

The separatist movement on religious basis and ethnic cleansing of non-Muslims in Muslim majority Indian States of Kashmir, unhampered infilteration of Muslims into India from Afghanistan, Bangladesh, Iran, Pakistan and some of the other West Asian States, the rising crescendo of Islamic fundamentalism the world over, coupled with the Indian State's unwillingness to effectively counter such nefarious and dangerous developments, perhaps, have been instrumental in the resurgence of Hindu nationalism.[23] Two-nation theory, based on separatism, led to disastrous consequences. The religion that gives meaning to life and lends eternity, resulted in partition. On partition of the country, our faith that the greatness and glory of India lies in the midst of diversity-appeared hollow. Those who till yester years were the blood of our blood, proclaimed to different than us. The minorities in India *i.e.,* Muslims and Christians etc., have Hindu ancestors. On conversion—the change of religion, there can no change in ancestors. That is just not possible. Professor Rajendra Singh is justified when he asserts: "All Indians have been Hindus. The religious minorities—Muslims, Christians, etc., have Hindu roots."[24] That is a historic fact and cannot be ignored. All the people living in Indian sub-continent are one people, having the same culture. We are not two people—two nations. The moment we try to understand this, our problems will start evaporating. India wants cordial relations with Pakistanis, as they are one of us. The Governments of both the countries should go on for talks on bilateral issues. The talks should be with predetermination that misunderstanding is to be removed and the disputes are to be solved. On the level of the people both the countries should permit to visit religious Leaders, Teachers, Judges, Lawyers, Doctors, Jurists and Journalist etc., in their respective country, inclusive of sensitive areas like Kashmir, Sind, to enable them to gauge the situation for themselves, and to listen the voice of their conscience, though according to Mahatma Gandhi the human voice can never reach the distance that is covered by the still small voice of conscience,[25] and to independently decide for themselves, as to whether there was and still exists any justification for partition of the country and its continuation. Luckily, both India and Pakistan are having democracies. It is the democracy which gives the conscience the real and absolute liberty. The moment the people of Indian sub-continent start listening to the voice of conscience, the day will not be far away, when the partition whithers away, wherein lies the answer to Kashmir problem. The partition of the country was an evil, a sin, a curse and it must go. The twenty first century is approaching with a revolutionary fervour of its own. Whatever is undesirable will exist no more.[26]

India is passing through great crisis and only during crisis the metal of the leader can be tested. The crisis gives an opportunity to the leader to become a Statesman. Kalidas says "Only in fire is the purity of gold tested." Similarly, only in crisis is the quality of a leader tested. Only he who can turn a crisis into an opportunity is a leader, others are merely pretenders to leadership.[27] Time is not for further fragmentation and division of the country rather it is time for unification.

The reverend Acharya Pandit Shriram Sharma, is justified in saying : No body can ever be denied to come under the umbrella of unity and equality.[28] Dr. Farooq Abdullah stresses: "Before I die, I would like to see India and Pakistan as good friends."[29] Unification as mission is needed. Each mission-oriented person can motivate five other like-minded persons. Five multiplied by five is twenty five: This is the theory of geometrical progression. Thus, the immense potentiality of the clientele of this mission can go up to one crore in one go. It is no miracle, if the process goes on and on, the idealism of this mission is adopted by the masses. There ought to be no pretence of disbelief. The expending perspective one anticipates, can create an environment for a social transformation.[30] That is spirit. We are to keep it up. However, the ultimate decision about the future of Indian sub-continent, will have to be taken not by the foreigners—not even by remote control, but by the people, bearing in mind the dissent is the integral-part of democracy. Democracy being a system of governance, wherein all the political parties and ideologies must be allowed to grow. L.K. Advani's emphasis always is Ideologies can be countered ideologically.[31]

The agenda for democracy is by no means over, all over the world. The principle of the system is perhap's universally accepted now, but even this acceptance is not unqualified. In the ultimate analysis, the survival and acceptance of any system would depend crucially on its capacity to deliver the goods.[32] The task that confronts democratic governments today is to maintain protection of human rights in the face of the most dangerous threat to the violation of human rights, namely, the bullets of terrorists. Scrupulous care to protect the rights of individuals under due process of law and punish human rights violations whenever and wherever they occur, is a must for the success of democracy.[33] The continuing subversion and sabotage in the valley, has disfigured the precious secular image of India. Pakistan's hand in such activities has been clearly seen by objective world leaders and their government.[34] P.V. Narsimha Rao justifyingly says."Some countries were exporting violence to other countries just for their narrow vested interests."[35] However, in this world of fluctuating relations between the countries, India's relations with her neighbours need not remain static. The resolution disputes need not be to India's detriment but to the advantage of the people of the sub-continent as a whole.

It is time to end militancy and start a meaningful political process in Jammu and Kashmir. The political process should involve all the minorities who have stood by India all these years, keeping their community's interest subservient to the national interest. The political process must safeguard the political, economic and cultural aspirations of Kashmiri Pandit community.[36] Such a political process should not be individual based, not community based but must represent the masses as a whole irrespective of their caste, colour, creed, religion or region. This is a welcome step yet for a meaningful political process curbing militancy to logical end and return of migrants to the valley is necessary.

Kashmir, the wounded valley is no more a subject of solely domestic concern but currently occupies a position midway between domestic and international situation. Prem Bhatia's emphasis is that "Talk about the restoration of 'political process' is accompanied by doubts about the possibility of a free and fair election under the threat of militant bombs and bullets."[37] Undoubtedly, the militancy has altered the peaceful lifestyle of the people of the valley, and peace deserves to be restored before election process is initiated as democracy has no place for violence.

The common man in Kashmir is unsure and confused about his failure, may be because of a combination of reasons—the escalating in—fighting among militants, atrocities committed by insurgents and, above all, the fast-changing global stand on Kashmir; Sabina Sehgal Saika concludes that one thing is certain: the disoriented populace in Kashmir no longer identifies with Pakistan.[38] Kashmir analysts believe that never before, in the last four years since insurgency engulfed the valley, has the ground been more ready for a democratic initiative. But the instransigence shown by the government on the Kashmir situation this time round has once again driven home the point the delaying decisions will not, in any way, help in obliterating a nagging problem. Elections in Kashmir are inevitable.

References and Notes

1. M.S. Narang, "Rise and Growth of communalism in pre-independent India", published in communal problem in India a symposium. (1988) p. 53 edited by Dr. Ramji Lal.
2. Dr. Shankar Dayal Sharma, The Tribune, January 26, 1993.
3. Syed Norruzzaman, "Muslims and the Congress", The Tribune, February 8, 1993, p. 6.
4. R.R. Diwakar, Mahayogi, (1954) p. 7.
5. Manmath Nath Das, Partition and Independence of India, (1982) p. 133.
6. *Ibid.*, p. 132, see also Mount bettan Papers, 196, 9th Misc. Meeting, May 1, 1947.
7. R.R. Diwakar, Mahayogi, (1954) p. 7.
8. Humayun Kabir, The Indian Heritage, 1955 (Reprint 1964) p. 135.
9. S. Ratnavael Pandia, J. in re : Indira Sawhney and others Vs. U.C.I. and others, JT 1992 (6) SC 273 at p. 294, para 13.
10. Larry Collins and Dominique Lapierre, Freedom at Midnight, 44th ed. (1992) pp. 27-28.
11. Rajmohan Gandhi, Understanding Muslim Mind, (1986) p. 143.
12. H.V. Hudson, The Great Divide, (1988) p. 79.
13. J.M. Dixit, Quick-fix Solutions, International Academic Cogitations on Kashmir, Indian Express, April 19, 1994 p. 6.

14. *Ibid.*
15. *Ibid.*
16. M.G. Chitkara, Indo-Pak Amity: A New Concept, (1994) p. 75.
17. Y.P. Chathley, "Kashmir: conflicting layers of perception" The Tribune, May 22, 1994.
18. "US interested in establishing independent Kashmir.
19. *Ibid.*
20. *Ibid.*
21. *Ibid.*
22. *Ibid.*
23. Amar Zutshi, "Rise of Hindu Nationalism", Indian Express, March 2, 1993, p. 6.
24. Rajendra Singh, India Today, April 15-30, 1994, p. 20.
25. Mahatma Gandhi, The Times of India, May 17, 1994, p. 10.
26. Sriram Sharma Acharya, Influx of Ganga of Twentyfirst Century, (October 1992) p. 36. The Reverend Acharya Sriram, Sharma has translated almost all the scriptures from Sanskrit to Hindi. He has diligently communicated the message inherent in the four Vedas, one hundred and eight Upnishads, six systems of philosophy, twenty four Geetas, smritis, Brahman and Aranyakas and has written about 1500 books.
27. Sudheendra Kulkarni, "Only in Fire is the purity of Gold tested," Blitz dated May 21, 1994, p. 24.
28. Sriram Sharma Acharya, Influx of Ganga of Twentyfirst Century, (October 1992) p. 5.
29. "Farooq in Full Flow", The Times of India, May 24, 1994, p. 3.
30. Sriram Sharma Acharya, Influx of Ganga of Twentyfirst Century, (October 1992) p. 7.
31. L.K. Advani, "Religious Bill Imperils where to claims to save," Indian Express, August 23, 1993, p. 9.
32. P.V.Narsimha Rao's speech before the joint sitting of the U.S. Congress, "Towards a terrorless, povertyless future", The Tribune May 24, 1994, p. 9.
33. *Ibid.*
34. "A Firm Resolve On Kashmir", The Tribune, May 25, 1994, p. 3.
35. *Ibid.*
36. Ajay Chrangoo, "Panun Kashmir", The Times of India, May 25, 1994, p. 12.
37. Prem Bhatia, "Kashmir talk and reality", The Tribune, May 27, 1994, p. 8.
38. Sabina Sehgal Saika, "Time Ripe for Starting Poll Process in Valley", The Times of India, May 30, 1994, p. 5.

Chapter 13

Chamba Migrants : To and Fro Doda

The Surge of terrorism in Doda district of Jammu region which recently precipitated the exodus of more than 800 persons to the adjoining Chamba district, has signalled dangerous portents for the peaceful State of Himachal Pradesh. The fear of spill-over of terrorism from across the boundary into Chamba district is becoming real. Muslim Gujjars, a nomadic tribe, which roams about with its cattle and the presence of large Muslim settlements in the border region of Chamba and another dimension to the security logistics in the region. The Gujjars who cross over to Chamba every summer where they live in temporary hutments in high mountain ranges, can become soft targets for the terrorists who could intimidate them into providing them with food, shelter and even information.

Rajesh Deol, "Chamba faced with spill-over of terrorism", Indian Express, June 8, 1994 p. 1.

The erstwhile Chamba State has been one of the most important hill States with rich cultural and historical heritage. The State played a key role in shaping the boundaries of various States and relationship with other rulers from time to time. The general boundaries of Chamba touch the State of Jammu and Kashmir in the north-west and West and part of Ladakh in the north-east and east. In the west, the Ravi forms the boundary between the Chamba and Jammu.[1] In the Pangi range also the southern flanks are abrupt and precipitous, while, to the north, the spurs subside gradually to the Chander Bhaga. After passing out of the district the range continues its course westward to join the Pir Panjal proper, with which it is in unbroken line, except where it is pierced by the Chander Bhaga at Kashtwar.[2] The Rowa stream forms the boundary to its junction with the Siowa, and latter to its junction with the Ravi, separating Chamba from Balaur in Jammu. The boundary on the Padri pass is as shown in the trignometrical survey maps and it follows the create of the ridge. This crest forms a natural boundary between the Chamba District and the Bhadrawah illaqa of Jammu and Kashmir.[3]

The Siul, which joins the Ravi lower down than the Chamba town, is the largest tributary of the Ravi. It brings down the entire drainage of the north-western portion of the Chamba Valley. Rising on the top of the Padri Pass, which makes the boundary with Jammu, it flows south-east through a narrow ravine, to a point opposite Himgiri, where it makes a curve around the end of a long ridge, and flows on, at an acute angle to its original course, to join the Ravi at Teleru near Bhalai, about fourteen miles below the Chamba town.[4] The Siowa is the last tributary of the Ravi on the right bank, having any bearing on the Chamba district. It is this tributary which, at this point, forms the natural boundary between Chamba and Jammu territory.[5] Chamba is one of the oldest native States in India, having been founded not later than A.D. 600 and perhaps as early as A.D. 550. It is situated in the bossom of the Himalaya Mountains with Jammu and Kashmir on the north-west and west, on the north-east and east, Ladakh, British-Lahul and Bara Bangahal, on the south-east and south, the districts of Kangra and Gurdaspur.[6]

The Chamba annals State that soon after Ranjit Deo's death in 1781 his son and successor, Brijraj Deo of Jammu, conveyed the suzerainty of Bhadrawah and Kashtwar to Chamba, and on the instigation of Dalel Singh, brother of Mihar Singh, Raja Raj Singh, of Chamba, in 1786, sent an army under the nominal command of his son, Jit Singh, then a boy of eleven years of age, to invade Kashtwar. It advanced by way of Bhadrawah and Balesa, which had come under the control of Chamba in 1783-84 as proved by letters in the Chamba archives, dated 1784, owing allegiance on the part of the Raja Fateh Pal.[7] J. Hutchison, L.R.C.P. & S.E., PH Vogel Ph.D. also confirm that in A.D. 1782 Raj Singh invaded and conquered Basohli.[8] The Balore or Basohli State, as it existed down to the early part of the ninteenth century, corresponded to the Basohli Tehsil of the Jasrota District in Jammu territory–if Bhadu and Mankot be excluded. The State was bounded on the north by Bhadrawah, on the east by Chamba and Nurpur, on the south by Lakhanpur and Jasrota, and on the west by Bhadu and Mankot.[9]

Kulu, Balor, Bhadu and Bhadrawah are all from one parent stem, of which the early seat was traditionally at Prayag. At a remote period the family migrated to Mayapuri (Hardwar), and a cadet founded the Kulu State. The Balor Vansavali claims direct descent for the family from the parent stem at Mayapur, but the Bhadu Vansavali States that the founder of Balor State was a cadet of the Kulu family.[10] The original site of Basohli, however, is said to have been close to the right bank of the Ravi, where ancient remains still exists; and an older town stood there in early times where the Rajas occasionally resided, though the capital was at Vallapura.[11] In A.D. 1786 Chamba also asserted its supremacy over the Native State of Kashtwar.[12] During the occupation of Kashtwar, one Kundan Singh, a cadet of the Bhadrawah family, was appointed Raja. He had previously been refugee in Chamba and had returned with the army to Kashtwar.[13]

The Mani Mahesh temple at Bharmour is said to have been constructed by Raja Meru Verman during the seventh or eighth century A.D. The temple and images are fine pieces of art and architecture. In the 'Garbh-graha' of the temple there is a magnificent 'Shivlinga' and in front of the temple a bronze image of 'Nandi', the bullvehicle of lord Shiva, is a rare piece of art. The image was constructed by 'Gugga' a sculptor of that time. On the pedestal is an inscription in Kutil[14] script which might have been in vogue in the area during that period.

There is a legend that 'Nandi' the image of Nandi, the divine bull, was constructed by Gunga within only one night with the help of his beloved Roopa who belonged to Rihara community. The songs of Roopa Rihari are still sung in some areas of Chamba. According to a popular belief, Lord Shiva blessed the lovers on the condition that they would marry only if the image was completed within one night. They succeeded in doing so but it is attributed more to Roopa Rihari, the beloved. Even upto now, the visitors from Bhadrawah remember 'Roopa Rihari' in their slogans related to Lord Mani Mahesh. It is a matter to be seen that though the local inhabitants, know fully well, that Roopa helped Gugga in making the image but they do not remember her by way of their slogans in her memory. This confirms that the inhabitants of Bharmour area moved to Jammu region during the remote past and still cherish the memory of Lord Shiva of Mani Mahesh and the artists of that area.

Padar area of Jammu was a part of Chamba State prior to 1835 AD when it was conquered by Zorawar Singh Kehlooria, the general of Maharaja Gulab Singh of Jammu and Kashmir. At that time, there were only three parganas of Pangi, namely, Saach, Killar and Dharwas. 'Palsar' was the designation of controller of these areas.[15] Ratnoo, a Palsar, whose headquarter was at Padar, was a faithful servant of the ruler of Chamba. During the regime of Raja Charhat Singh (1808-1844 AD), he vanquished the Raja of Zaskar and made him to pay tribute to the ruler of Chamba. Earlier Zaskar was under the suzrainty of Ladakh. In padar area, Raja Chhatra Singh (1664-1690 AD) had constructed a fort which was named after the ruler and was known as Chhatragarh. During 1835 AD when Zorawar Singh conquered Padar, the fort was renamed after Gulab Singh and was given the name of Gulabgarh.

The Doda district in the Jammu region, now a hotbed of militant activity, is an integral part of Jammu. It is separated from the valley by the Pir Panjal range. It was predominantly Hindu till a large number of Kashmiri Muslims took shelter there during a famine in the valley towards the end of the 19th century. They now constitute about 25 per cent of the population. Other Muslims of this area are original inhabitants. They speak Bhadrawani and Kashtwari dialects which are similar to Sanskrit.[16] In this world of fluctuations, the refugees-migrants from Chamba to Jammu and Kashmir, settled in Doda district, are once again refugees in their own homeland.

Fifteen kilometres away from the nearest road head, this obscure sleepy village on the Himachal Border with Jammu and Kashmir, has suddenly become alive with officials, politicians and volunteers wading their way to Makkan Nallah where over 800 Kashmiri migrants from Doda district have been accommodated in tents. Residents of the village living in abject poverty in this extreme mountains terrain greet the stream of visitors with awa and surprise, for they have seldom witnesses so much activity. The migrants, including women and children, hailing from nine villages in Gandoh tehsil, who had fled from their houses on April 19, 1994, and crossed over the Chamba district, have been going through harrowing experiences in the militant-infested Doda district. Migrants, however, are certain about one thing that despite harsh camp life they will not return to their homes, many of which have been burnt or looted by the militants and their supporters in their native villages. "We won't return until militancy is wiped out in

Doda district", said a migrant, Om Singh echoing the opinion of the majority.[17] The plight of Hindus of Doda district who had migrated to Chamba district (HP) is miserable in Jammu and Kashmir asserts Simranjit Singh Maan. The militants have virtually taken control of Doda and the Hindus were being forced to migrate to safer places. About 10,000 Hindus had shifted to Sanwal village in Tissa subdivision of Chamba district. The BSF alongwith local officials were forcing them to go back to Doda, whereas the Hindus were afraid of returning as Doda was completely in the grip of the militants.[18]

The migrants, however, remain apprehensive. A migrant said: we have stopped believing the Jammu and Kashmir government or the administration. The officials who have talked to us here stopped on the road head and never bothered to visit our camps. The speaks of their callousness and general unconcern.[19] Doda district of Jammu and Kashmir with an area of 12,000 sq. km., is one half times more than the entire Kashmir valley.[20] Since the advent of terrorism in Doda district in 1990, communal polarisation has entrenched deeper and deeper after every violent incident. The district has a population ratio of 55 : 45 between Muslims and Hindus with 97 per cent of population living in rural areas.[21] However, Prof. Balraj Madhok asserts that total population of Hindus in Doda district is still about 50 per cent of its total population.[22]

With two of its major towns Bhadorwah and Kishtwar under Curfew, terrorists in top gear, exodus of the minority community—Hindus in full swing ever and an widening gap between Hindus and the Muslims, the situation in the mountainous district of Doda can only be described as critical.[23] Doda is being used as a springboard to launch terrorism in the Jammu region along its boundaries touching Kathua, Udhampur and Rajouri and the Chamba district of M.P.[24] Panu Kashmir asserts that selective killings by the militants in the Bhaderwah and Kishtwar belts, forcing Hindus to migrate from Doda district is part of the "religious cleansing" process forming vital aspect the ideological commitment of the militants in Jammu and Kashmir.[25] The high mountain ranges constituting the 150 km border between Chamba and Doda district render the task of the security forces difficult. "Efforts in isolation will have no effect. Pressure will have to be built on the terrorists from both sides of the boundary" asserts a senior official in Himachal Pradesh.[26] The surge of terrorism in Doda district of Jammu region which recently precipitated the exodus of more than

800 persons to the adjoining Chamba district, has signalled dangerous portents for the peaceful State of Himachal Pradesh. The fear of spill-over of terrorism from across the boundary into Chamba district is becoming real.[27] Muslim Gujjars, a nomadic tribe, which roams about with its cattle and the presence of large Muslim settlements in the border region of Chamba and another dimension to the security logistics in the region. The Gujjars who cross over to Chamba every summer where they live in temporary hutments in high mountain ranges, can become soft targets for the terrorists who could intimidate them into providing them with food, shelter and even information.[28] The population of Muslim Gujjars in Chamba district according to 1981 census is 7410, out of total population of 7519 of that tribe.[29] The terrorists have set up a permanent bases atop the mountain ranges dividing the two States. Besides, they also find shelter in the tents of Gujjars overlooking the villages. The terrain is ideal for guerilla warfare.[30] There is sizeable number of Muslims in the border belt.

According to census report 1951, the Muslim population of Chamba district was 5288 and in about a decade it rose to 10,512.[31] The Muslim population of Chamba district according to 1981 census was 17,908,[32] and during the last 15 years it must have been doubled. The majority of the Muslim population resides in Churah tehsil bordering Doda district of Jammu. The fact of homelessness of more than 2.5 Lakh people from the valley and the exodus from Doda district is distressing. Mr. Bhim Singh, president of Panthers Party, held talks with Doda refugees and wanted migrants to return to their native village to defeat the designs of the militants who were keen to throw them out the State.[33] The rule of law must be established in Doda area and the migrants should be re-assured that the local population would not be hostile to them; such a situation alone is likely to facilitate the return of the Doda refugees to their homes. The cult of gun ultimately destroyes the gun—wielder together with his goons.

In a leading article "Striking Back In Doda" Indian Express is justified in writing that the exodus of Hindus from Doda district, which began as a trickle last year, is on the verge of reaching alarming proportions. The numbers involved may not excite the international imagination, but that is no reason why the rest of India should acquiesce passively in yet another successful offensive by armed secessionists to push all Hindus out of one more region of J & K.[34] Doda; Kishtwar and Bhadarwah sensitive region lying beyond the Pir Panjal range, close to Chamba, Himachal Pradesh has mixed population of Hindus and Muslims. Like many other areas of Kashmir, this region, too was not affected by militancy. But it also happens to be area through which the main highway connecting Jammu with Kashmir valley passes through. For this reason, efforts, almost certainly directed by animical forces across the border rather than the militants in the valley, have been made for the past several years to stoke militancy in this area. Indications are that almost all the militants operating there, using the South-Western part of the valley as their base, are of Afghan or Pakistani origin. Earlier they would cross the Pir Panjal to operate in the origin and return to the valley, but now they have managed to get pockets of support as well as coerce some of the residents of the poverty-stricken area into providing them shelter.[35] The situation in this region of Jammu bordering Himachal Pradesh may be seen in the broader context of 1971 struggle between India and Pakistan. The doctrine of "forget and forgive" may be nice and sweet-sounding to preach, but difficult to digest. Pakistan rightly or wrongly considers India the architect of its bifurcation in 1971. Pakistan has neither forgotten nor forgiven India for this supposed sin. The sense of humiliation at the hands of India and the desire to avenge it have become an integral part of their collective consciousness. Losing sight of Pakistan's motive to revenge may be suicidal for India and invitation to disaster.

The forcible migration of minority community of Jammu and Kashmir and to make them refugees in their own country, involves not only the security of the country, but is also blatant violation of human rights.

The human rights of every citizen are sacrosanct but they have sometimes to be balanced against foreign intervention which extinguishes the rights of law-abiding Hindu citizens of Jammu and Kashmir.[36] The National Human Rights Commission, will be well advised to maintain the balance by highlighting the plight of the affected people like Kashmiri mirgrants. The Tribune in its recent published leading article asserts: that the NHRC set up last year had a genetic defect: It was born under official auspices and have suffered from low credibility. There were also secptics in India and abroad who expected nothing more from it than to supply a fig leaf to the naked administration.[37] However, Justice R.N. Mishra, Chairman, the National Human Rights Commission clarifies that the commission was an autonomous body with absolutely no government control and has an unimpeded access to the common people.[38] Oleg Malghinov, first deputy head of the Russian Foreign Ministry's Department on International Humanitarian Cooperation and Human Rights, has justifiably said in no uncertain terms that Russia believes that Kashmir, is not a human rights issue but a political problem which is being manipulated by Pakistan and Kashmiri separatists for achieving their own objectives that include the disintegration of India.[39] Disintegration of India will be the first step towards the disintegration of the Indian sub-continent.

While the rest of the world approached the 21st Century with plans to increase inter-dependence and with determination to transcend international boundaries and search for common values, India and Pakistan will celebrate the 50th anniversary of the conflict in Kashmir. The strangest and most puzzling aspect of this conflict is that until the country was partitioned, no one predicted that it was going to be Kashmir of all things which would become the unsolvable problem of the sub-continent.[40] Terrorism in State of Jammu and Kashmir appears to be inspired by Islamic fundamentalism and actively abetted by Pakistan is nothing short of undeclared war against the territorial integrity of India. However, in the interest of their respective people, it is expected, that India and Pakistan would sit around the negotiating table to work out a mutual beneficial solution to the Kashmir problem and to save the Indian sub-continent from disintegration, bearing in mind that given the will and sincerity of purpose there is no knot that cannot be possible to be untied. His Holiness the Dalai Lama, is hopeful that the twentyfirst century will be friendly, more harmonious and peaceful.[41]

The usual aim of terrorists is to wreck vengeance against whom they regard as their enemies, oppressors and usurpers and otherwise obstacles in the achievement of their goals. It matters little to those elements that their aims are unethical, illegal and disruptionist. Social analysts rightly assert that the ultimate battle against terrorism will have to be fought by the people.

The people seem to be fed up with the militants, their associates-mercenaries and increasingly not to have compromise with the cult of the gun.

On situation created by migrants of Doda District to Chamba, Virbhadra Singh, Hon'ble Chief Minister, Himachal Pradesh is of the view that the State Police and other security agencies were fully prepared to thwart any attempt of terrorists to infiltrate into Himachal and that Himachal Pradesh Police was trying to have a perfect co-ordination with Punjab and Jammu and Kashmir Police. The Himachal Pradesh government has asked the centre to provide sophisticated and modern weapons to the State Police to meet the increased threat of Pakistan from across the J and K border.[41(a)] Virbhadra Singh asserts that the migrant from Bhadarwa and Kishtwar are properly and well looked after in H.P. and will soon return to their homes on restoration of normalcy. It is hoped that the forces of militancy, espcially those having extra-territorial loyalty, will be dealt with iron hand, paving way for responsive system creating new bridges of understanding. Kashmir problem, of course, is the out come of partition of the country on the basis of religion. The country needs to generate a thinking process on the individual and collective basis. The right of thinking in no circumstances can be abdicated. The people who deal daily with current problems must focus on the immediate problem but at the same time must look at the long-term effect on the humankind, on the human Society and about the long-term future of mankind; It is necessary to combine temporary and long-term handling of problems.[42] In the ultimate analysis the people may come to the conclusion that partition of the country on the basis of two nation theory was not only a mistake-blunder but a sin. The partition has not brought peace to the sub-continent. The unification of the India and Pakistan would not only solve the problems of Doda migrants, living in Chamba district, Kashmir problem but will take the sub-continent towards poverty eleviation. Thus, the united sub-continent shall emerge a world power to reckon with. That being the truth will ultimately prevail. But it matters that falsehood has not too long innings. It is never too late to observe what Quran Sharief ordains: "Truth in word and deed is our fullest satisfaction and reward." That will give meaning to the prophecy of His Holiness The Dalai Lama that the 21st Century will be more peaceful and full of co-opertion. He elaborates: This blue planet of ours is the most delightful habitat. Its life is ourlife; its future, our future. The Earth itself is not a sentient being, it does indeed act as our mother, and, like children, we are dependent upon her. Now mother nature is telling us to co-operate. Our mother is teaching us a lesson in universal responsibility. Unless we all work together, no solution will be found.[43]

References and Notes

1. T.S. Negi, Himachal Pradesh District Gazetteers-Chamba (1964) p. 375.
2. *Ibid.*, p. 6.
3. *Ibid.*, p. 7.
4. *Ibid.*, p. 15.
5. *Ibid.*, p. 16.
6. J. Hutchison J.P.H. Vogel "History of the Panjab Hill States", Vol. 1, p. 268.
7. T.S. Negi, Himachal Pradesh District Gazetteers-Chamba (1964) p. 139.
8. J. Hutchison J.P.H. Vogel "History of the Panjab Hill States", Vol-1, p-316, also see. The date of the conquest of Basohil is recorded on a marble slab in the pavement in front of the Lakshmi Narayana Temple at Chamba.
9. *Ibid.*, Vol.II, p. 587.
10. *Ibid.*, p. 588.
11. *Ibid.*, p. 589.
12. *Ibid.*, Vol-I, p. 316.
13. T.S. Negi, Himachal Pradesh District Gazetteers-Chamba, p. 140.
14. J.P.H. Vogel, Ph. D "Antiquities of Chamba State,", 1911 p. 144.

TEXT

ओं प्रासाद मेरुसदृशं हिमवन्तमूर्ध्निः कृत्वा स्वयं प्रवर-कर्माशुभैरनेकैः तचद्रशालरचितं नवनाभ नाम प्राग्ग्रीवकैर्व्विविधमण्डपनैः कचित्रैः।। (1.2) तस्याग्रतो वृपभ पीन-कपोलकायः संश्लिष्ट वचककुदोन्नतदेवयानः श्रीमेरुवर्मा-चतुरोंदधिकोत्तिरिपाः मातापितृः सततमाताफलानुवृद्धिः।। (1.3) कृतं कर्म्मिणा गुग्गेन।।

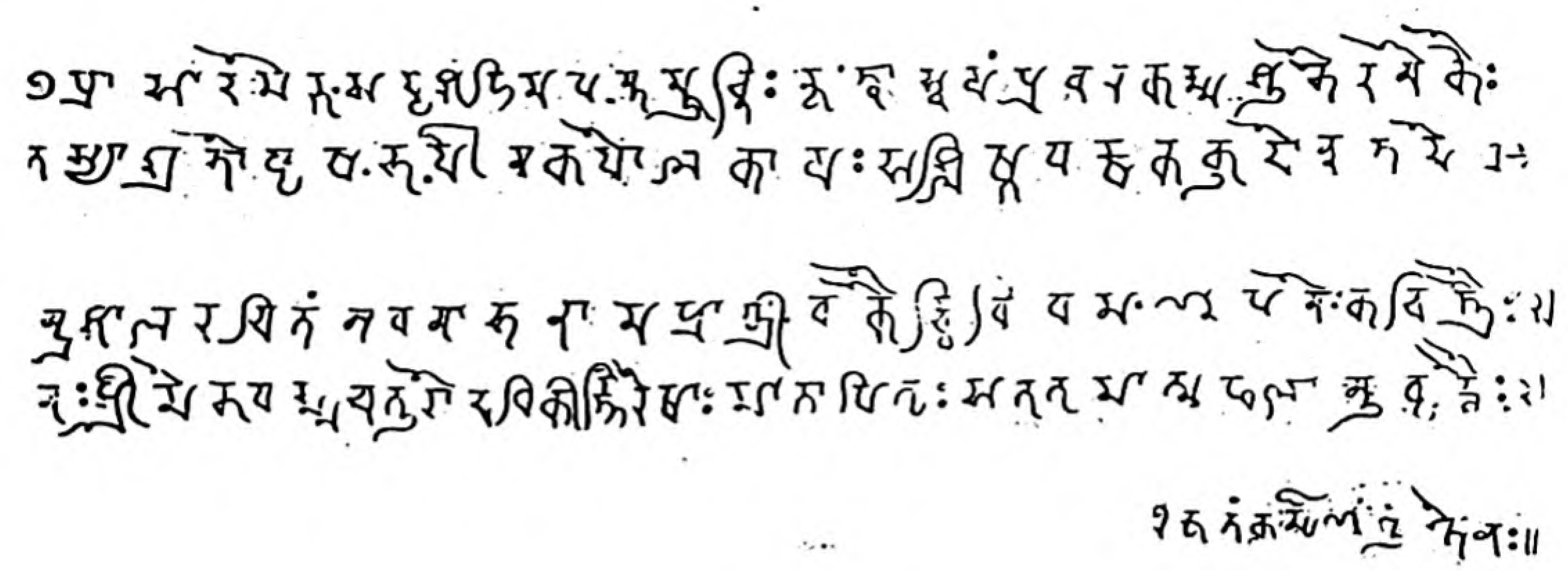
CORRECTED READING

ओम्।। प्रामादं मेरुसदृशं हिमवन्मूर्ध्नि कृत्वा स्वयं प्रवर-कर्मशुभैरनेकैः।। तच्चन्द्रशाला रचिता नयनाभिरामा प्राग्ग्रीवकै विंविधैर्मण्डपैर्नैकचिचैः।। (1.2) तस्याग्रतो [स्थापितो] वृषभः पीन-कपोलकायः संश्लिष्टवक्षःककुद उन्नतदेवयानं। श्रीमेरुवर्मण्यतुरुदधि [समतिक्रान्त] कीतिरिषा मातापित्रोरात्मनय सतत. फलाभिवृद्धै।। (1.3) कृतं कर्म्मिणा गुग्गेन।।

TRANSLATION

After that he had himself built a temple like unto Mount Meru on the top of the Himavant through the manifold bliss of [his] good works, an upper chamber (*candrasala*) delightful to the eye, was added to it with various porches (*mandapa*) and numerous ornaments (*citra*) turned towards the east, in front of it [was set this bull fat of cheeks and body, compact of breast and hump, the exalted vehicle of the god (*Siva*). This is the glorious work of the illustrious Meru-varman [famous] over the four oceans, [tending] continually to increase the [spiritual] fruit of his parents and himself. Made by the workmen Gugga.

Nandi Image Inscription



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15. J. Hutchinson and J. PH. Vogel, History of The Panjab, Hill States, (Reprint 1982) p. 323 wherein it has been mentioned:

    > "In A.D. 1835 Gulab Singh of Jammu sent an army under Wazir Zorwar-Singh, Kahluria, one of his ablest generals, to invade and conquer Ladakh. After the conquest a force under Wazir Lakhpat Rai was detached from the main army to annex Zanskar, which still held out, and having done this the force crossed the Umasi Pass and passed through Padar on the way back to Jammu. It is believed that Gulab-Singh had no intention of encroaching on State territory, but the Padar people were suspicious, and some opposition was offered to the passage of the Dogra army. This, however, did not amount to much, and the main body passed on, leaving only about thirty men in Chatargarh to keep up communications. Thereupon Ratanu, the Chamba offical, stirred up the people, seized the Dogra soldiers, and sent them to Chamba. Charhat-Singh at once disowned the act of his official, but the mischief had been done, and in the spring of 1836 Zorawar-Singh came in person with a large force to avenge the insult. Ratanu had the bridge over the Chandra-Bhaga broken down, and in this way kept the Dogras at bay for three months, but at last, having with the help of some villagers, passed a jhula across the river a few miles lower down Zorawar-Singh succeeded in transferring a portion of his force to the other bank, and thus, advancing under cover of night, effected an entrance into Chatargarh by the bridge over the Bhutna Nala, which had been left intact. Chatargarh was razed to the ground, and the name of the place changed to Gulabgarh; and several of the Padar people were hanged or mutilated. The country was then annexed to Jammu".

16. Balraj Madhok, "Political Answers in Jammu & Ladakh," The Times of India, May 6, 1994, p. 8.

17. Rajesh Deol, "Assurances Fail to sell 'Return' to Migrants", Indian Express, June 7, 1994, p. 1.

18. Simranjit Singh Maan, "Doda refugees in Pitiable State", The Tribune, June 7, 1994, p. 4.

19. Rajesh Deol,"Assurances fail to sell, 'Return' to Migrants", Indian Express, June 7, 1994, p. 1.

20. SMK Kazmi, "Doda offers terrorists what the valley demies", Indian Express, June 5, 1994, p. 1.
21. *Ibid.*
22. Balraj Madhok, "Political Answers in Jammu & Ladakh," The Times of India, May 6, 1994, p. 8.
23. SMK Kazmi, "Doda offers terrorists what the valley demies", Indian Express, June 5, 1994, p. 1.
24. *Ibid.*
25. "Communal Clashes rock Bhaderwah", The Tribune, June 8, 1994, p. 1.
26. Rajesh Deol, "Chamba faced with spill-over of terrorism", Indian Express, June 8, 1994, p. 1.
27. *Ibid.*
28. *Ibid.*
29. "Statistical Outline of Himachal Pradesh, (1990) p. 24, Published by Economics and Statistics Department, Himachal Pradesh, Shimla.
30. Rakesh Lohumi, "Migrants Unwilling to return", The Tribune, June 9, 1994, p. 16.
31. T.S. Negi, Himachal Pradesh District Gazetteers-Chamba, (1963) p. 172.
32. "Statistical Outline of Himachal Pradesh, (1990) p. 24, Published by Economics and Statistics Department, Himachal Pradesh, Shimla.
33. T.S. Negi, Himachal Pradesh District Gazetteers-Chamba, (1963) p. 172.
34. "Striking Back In Doda,"Indian Express, June 8, 1994.
35. "Out look in Kashmir", The Times of India, June 10, 1994, p. 10.
36. "NHRC Asserts Rights", The Tribune, June 8, 1994 p. 10.
37. *Ibid.*
38. "Rights Panel to Probe Violations in Kashmir", The Times of India, June 8, 1994, p. 5.
39. "Positive Signals From Moscow", The Tribune, June 10, 1994, p. 8.
40. "Pak: Tricky past to grim future", (1994) edited by William E. James and Suborto Roy.
41. H.H The Dalai Lama, "Reflections on the Challenges of the 21st Century", Tibetan Bulletin (May-June, 1994), p. 19.

41(a) Virbhadra Singh "HP asks Centre to provide modern weapons" Indian Express June 16, 1994 p. 1.

42. Charles G. Rose, in Religious Values and Human Society (Reprint. 1988) p. 16, Fourteenth Dalai Lama, His Holiness Tenzin Gyatso.
43. Tenzin Gyatso, The Global Community and The Need for Universal Responsibility, (1992) p. 21.

Chapter 14

Answer is Unification

If Pakistan and India freeze their military expenditure at its current level during the years 1990s, they could reap peace dividend of 50 billion dollars during the current decade, enough to put their Children in Schools, provide primary health care and clean drinking water to everyone and to banish mal-nutrition by 2,000. Even solution to the basic problems of the people of Indian sub-continent lie in their unity, understanding, co-operation and mutual trust.

Dr. Mahbub-ul-Haq in Kashmir Politics, (1993) p. 174 by Gul. Moh. Wani.

A report, 'Communist· China and Arms Control: A Contingency Study, 1967-1976' submitted in February 1968 by the Hoover Institution on War, Revolution and Peace to the United States Arms control and Disarmament Agency in fulfilment of the conditions of Contract No. ACDA/IR-121, on Sino-Pakistani relations says: Sino-Pakistani relations which may affect communist Chinese arms control attitudes depend to a considerable extent on Pakistan's relations with India and her responses to Indian Institutions.[1] The report on Sino-Indian relations emphasis: conditions in India and the Himalayan States which would affect Sino-Indian relations present several alternatives:

(*a*) India's political, economic and internal security situation may deteriorate to a point prohibiting the development of nuclear weapons system.

(*b*) India may remain in or improve upon her present relative political and economic position but abstain from the development of an independent nuclear weapons system.

(*c*) India may remain in or improve upon the same relative position as in the second alternative but elect to develop nuclear weapons. The report considers improbable in the

> forseeable future, any return to the days of the Five Principles of Peaceful Co-existence—Panchsheel; The report does not deem unilateral action by India to eject Chinese troops from their present positions in Ladakh as a feasible action during this decade.[2] More than three decades have passed but no such action has been taken by India to get vacated forcibly Indian territory occupied by Chinese armed forces.

By virture of its accession to India, the State of Jammu and Kashmir is an integral part of India. The accession has been finally settled and it cannot be reopened. But in the late fifties Peking laid claims to large areas in Ladakh and violated India's sovereignty over those areas. It secretly built a road in Aksai Chin, from Sinkiang to Western Tibet, and occupied large areas.[3] In an understanding between China and Pakistan in 1962; the Pakistan was induced to accept the position that the boundary had never been delimited, between the two countries—India and China with a view to bolster China's case against India. The area in which claims had overlapped was huge areas. In an official agreement, the Chinese were left with about two-third of this disputed area and Pakistan with about one-third.[4] In 1963 the Pakistani Foreign Minister paid a visit to Peking on the invitation of the Chinese government. A border agreement was signed by the two countries, some areas in occupied Kashmir having been demarcated as Pakistani and some as Chinese. Neither side had any compunctions about it, it was really Indian territory that was being divided up.[5] Pakistan accepted a boundary further south of the line mentioned above conceding the entire Shaksgam valley measuring approximately 400 Sq miles to China.[6] Besides grabbing nearly 12,000 Sq miles of Indian territory in North-Eastern Ladakh, China had received a gift from Pakistan another 2,000 Sq. miles of territory of Jammu and Kashmir which belong to India and to which Pakistan had no right to part with.[7] The China's interest in the area along the Sinkiang region and especially in Gilgit was because of the suitability of the area for use as a military base against India and Russia.... China's firm support to Pakistan on the Kashmir issue as expressed now became long ago a rallying point for the two countries' joint efforts against India in realisation of their respective aims.[8]

Lorry Pressler, U.S. Senator, during his travel through the Indian sub-continent on a "Listen to Learn", visit, expressed concern over the arms race in Asia and felt that the Chinese desire for dominance in the region was a major problem. The Chinese seem to want total power in the region which could trigger of a reaction in Japan and other countries. He viewed that even Pakistan cannot really trust the Chinese and that China is the real danger to regional peace and security in South and East Asia in the next ten to twenty years.[9] Even Pakistan cannot trust China for long the people living in Indian Sub-continent are one people and not two. We are all "one Indian-One people." The partition of India and creation of Pakistan, on the basis of two nation theory is an outcome of the British diplomacy- "divide and rule", and we were ready and willing to be divided for individual selfish gains. After about more than four and a half decade of partition, it is evident that initially people of Punjab and NWFP were opposed to the creation of Pakistan but now having been benefited by its creation want to annexe more and more area to it. Thus India is being destabilized. The people who may have been responsible for creation of Pakistan belonged to hinterland and perhaps have reconciled to secular India and have stayed back. Thus there appears to be no justification for continuing two India's *i.e.,* India and its extension—Pakistan. Atleast amicable relations, co-operation, mutual understanding between the two, is not only must for permanent peace in the sub-continent but for correcting the past mistakes.

It must be remembered what Mao Tse Tung said long ago that China must conquer the globe—the target being the entire globe. Chinese problem is increasingly becoming one of the most acute political issues since long. China makes territorial claims on the, Soviet Union, India, Japan, Vietnam and has usurped Tibet. It is systematically violating Mynamar's frontiers and is encouraging the most blatant revenge—seekers in the West and the East. The Chinese leadership harbours annexationist designs against the Mongolian People's Republic.[10] China—a vast country which has been trying to expand in all directions, has created many problems in the world by its hostile and belligerent attitude towards its neighbours. The whole of China has been militarised and a vast section of its army has been deployed on its borders with twelve countries, inclusive of Pakistan.[11] The Maoist tactic regarding Jammu and Kashmir seem to be two-fold. One is their own claim to large parts of the State in the Ladakh region. The other is their support to Pakistani claims to the whole of Jammu and Kashmir, though in all their pronouncements the Chinese leaders mention, only "Kashmir" and forget "Jammu". Their policy is to gift to others what they themselves cannot take or openly lay claims to.[12]

Tibet has already been enslaved and to guarantee effectively the security of the Himalayas, it is essential to restore Tibetan independence. The Tibetan people yearn to be free once more to develop culturally, intellectually, economically and spiritually. They have a right to live in democratic liberty. The restoration of an independent Tibet will benefit India and contribute to world peace. When Tibet again becomes a zone of peace from which all military installations have been removed, India will be able to withdraw her forces from her northern border. This will have beneficial effects throughout the region.[13] The China has also occupied large chunks of territories of India and Pakistan because of mutual suspicion between the people of two countries, though they are from the same stock.

The question of belonging to one family, for many people in India and Pakistan is not merely an abstract idea but an actual fact. In addition, born on what is now the territory of the other. Indians and Pakistanis are not just neighbours, they are closely related. It bewilders His Holiness, the Dalai Lama, that people with so much in common, can amicably play cricket against each other, can still regard each other with suspicion.[14] As N.A. Palkhivala said in his monumental book, "we the Nation,"—The soul of India yearns for inter-religious harmony and respect. Over 5.000 years, Indian civilization has been made richer and deeper as a result of absorbing what is best in outside influences and integrating them. This is what has been made Indian culture such a living force of ineffable beauty.[15] Sri Aurobindo, India's great prophet of nationalism, revolutionary, poet and yogi, wrote in 1907: "what India needs, especially at this moment, is the aggressive virtues, the spirit of soaring idealism, bold creation, fearless resistance, courageous attack; of the passive tamasic spirit of intertia, we have already too much. We need to cultivate another training and temperament, another habit of mind. We would apply to the present situation the vigorous motto of Danton, that what we need, what we should learn above all things, is to dare and dare again; to dare and still to dare..."[16] It is time for struggle. To aim is not enough we must hit. No man who shirks from struggle, or is appalled by the thought of aggression, can hope to seize and lead the wild forces that are rising to the surface of 20th century India.

Enough is enough, Time has come for both India and Pakistan to sit as "civilized adults" and sort out differences as the present global scenerio demanded co-operation and not confrontation.[17] Let the sanity prevail.

India and Pakistan at the outset had a great deal in common and shared many of the same cultural traditions and languages. Their leaders had been members of the same government service. They had been allies in the political struggle against the same opponent, the British. Indians and Pakistanis very well knew and understood each others.[18] It is time to sit together and to ractify old mistakes. Beside considering other current issues, they may also consider to "annul partition". As FJ Khergamvala suggests an entirely new element has to be reckoned with by both India and Pakistan. In many ways a whole new ball game is beginning in a new ball park. The people of Indian sub-continent are to forget the biblical times and 45 years-old resolutions and see to it that India and Pakistan make recent agreements work, or in any case improve upon them.[19] Many observers in 1947 hoped and believed that once the first difficult days of independence were over, India and Pakistan would settle down together in some kind of joint harness, combining their resources and their talents to solve the vast social and economic problems facing the sub-continent.[20]

It may be remembered that sizeable military expenditures weaken any country in confronting domestic as well as global problems. India and Pakistan are no exception. The USA with a 212 times greater per capita income than that of the India and Pakistan have lower immunisation rate.[21] Dr. Bernard Lown, in a recent lecture on Indira Gandhi, said: "perhaps now here would be input of India be more telling than in addressing the fostering issues of militarism and war. The end of cold war was not celeberated by parades. There were no victors, only losers. The sick legacies of this mad period and the adverse impact of militarism are yet to be fully appreciated.[22] The same may be true of Pakistan, if not worst, because the more foreign aid with conditions attached a country receives, the more difficult it will be for her to stand up. This is like drinking poison to quench one's thirst.[23] If they could not sit together earlier, let them sit together now. It is not too late to adopt the righteous path. We may remind ourselves of a reflection by Tolstoy, "I sit on a man's back, choking him and making him carry me, and yet assure myself and others that I am very sorry for him and wish to ease his lot by all possible means—except by getting off his back."[24] It is high time that India and Pakistan resolve their disputes–including the partition of the country itself, rather than permitting the America and China to meditate—that too to their advantage and to the detriment of the people of Indian sub-continent. Bernard Lown emphasis: The global divide constitutes an agenda for future wars. No problem provides greater challenge for the 21st century narrowing the gulf between the north and the south. He stressed a largely silent war is being waged in and against the developing world. This silent war has claimed more lives than all the wars of the century... pitted against one another are the claims of luxury of the North and the claims of subsistence of the South. People in large parts of the third world live excluded from the social privilege, political control—as outsiders in their own home....Simply stated, the underlying pathology is due to a global division of labour where in the south's resources are bought for cheap while the north sells its technology for dear. A world built on a structure of inequality and injustice, where some eat while others can oil to it.[25]

It is time to recollect the history of partition, as history teaches everything including the future. There appears to be no justification for the people of Pakistan remaining aloof and separate from the people of India as they belong to the same stock. Further the people of Punjab and NWFP were not for creation of Pakistan. On the eve of partition in NWFP it was congress Government in power and in Punjab, it was unionist Government supported by congress in power. The people of Baluchistan, having no right to vote under Government of India, Act, 1935, did not go in for elections. As such there may not be any justification in having two Indias—India and its extension Pakistan. Partition, in the form that it finally took in the sub-continent, was an ideal which the British brought themselves to accept with some reluctance. Many Britishers still bemoan the tragedy which brought about the destruction of the united sub-continent, the master work of the British imperial genuis.[26]

Dr. Mahbub-ul-Haq, Special Advisor to the United Nations Development Programme Administration and a renowned Pakistani Economist while releasing the Human Development Report for 1992 said: "If Paksitan and India freeze their military expenditure at its current level during the years 1990's, they could reap peace dividend of 50 billion dollars during the current decade, enough to put all their children in schools, provide primary health care and clean drinking water to everyone and to banish mal—nutrition by 2,000. Even solution to the basic problems of the people of Indian sub-continent lie in their unity, understanding, co-operation and mutual trust.[27] Unfortunately, India and Pakistan are among the biggest arms importers in the world, accounting together for over 18 per cent of the world total arms imports during 1988 to 1992, says a UNDP report.[28] Dr. Manmohan Singh opined that in the modern world, it was not the defence but the economy that determined a nation's strength.[29]

As on today the Indo-Pak relations are not so very cordial. Divided we fell and united we stand. Both should realise the ground realities. Unitedly we would be capable enough to liberate Askai Chin and other forcibly occupied territories by the Chinese. Such a thinking and effort will also ultimately result in Tibetan's regaining liberty and independence. In this context, it would not only be relevant but meaningful also, what His Holiness the Dalai Lama in introduction to Tibet—A Reality, on December 2, 1993, writes "The restoration of an independent Tibet will benefit India and contribute to world peace. When Tibet again becomes a zone of peace from which all military installations have been removed, India will be able to withdraw her forces from her northern border. This will have beneficial effects throughout the region." His Holiness elaborates: "With its spiritual heritage and pre-occupation with peaceful pursuits my country is ideally suited to provide a sanctuary of peace at the heart of Asia. Its historic status as a neutral buffer State, contributing to the peace of the entire continent, can be restored[30]...." Only an independent Tibet as a buffer State is likely to restore peace and tranquility in the region.

The Kashmir issue is occasionally raised by Peking. China is always opposed to the agreement reached between India and the Kashmiri leaders. Peking is also enraged because of Sikkim becoming a part of Indian State. The Chinese are in the habit of addressing veiled threats to India and predict that the nationalities comprising the Indian Union, such as Naga, Mizo, Sikkimese and Kashmiris, would rise against the central Indian Government. A powerful Indian sub-continent politically, economically and militarily independent, is viewed by China as an obstacle to its chauvinistic schemes. That is the crux of the matter.[31]

There are forces in the world that would not like the Indian sub-continent to be united. It is the people who will ultimately thwart their nefarious designs and deal firmly with separatist forces.

There is no dearth of philosophies in Indian sub-continent. Azrat Mirza Tahir Ahmed Khalifa Humasch IV in his live address telecast via satellite from Mauritius said: prophets of all religions had propogated universal brotherhood, peace and amity. Need is to bring people of different faiths closer in order to strengthen humanity.[32] But Ahmediyas in their own country are treated as aliens, discriminated against and treated as second class citizens. They are not tolerated even in Islamic Pakistan. Tolerance whithers away in case of non-Muslims, as if they are not human beings. Wisdom ordains that platonic all objects and human beings are just replicas of something original. The original may have many shades, to evolve as variety of replicas and as such it becomes incumbent for us to be in tune with the original. That adds meaning to life.

It is unification time and not division. No more divisions. Unification is the call of the time.

A divided world augar badly for the human family in the 21st century. Bernard Lown, reminds India of her role to be played for the betterment of the world and said: India, blessed with an ancient legacy of rich cultural pluralism and a unique religious and spiritual imagination, can play a key role in shaping a humane world order for the 21st century and beyond. Of great urgency is to assist in rebalancing lives and moral imperatives, enable human beings to cope with the global crisis of the spirit. To assume that role demands a manifest political resolve for tolerance of communal diversity and the cultivation of the free play of pluralistic dialogue among India's diverse multitudes.[33] How India can successfully accept such a benevolent role, when every day our frontiers are shrinking and national insult is covered up under the mask of "peace". Tough a dense cloud of dust is raised in the form of high-sounding words like "peace" and "non-violence" with an assumed air of moral authority only to cover up imbecility.[34] Undoubtedly, one should not indulge in unprovoked violence. At the same time one should also not allow others to do violence of them. Permitting violence to be done to oneself is also violence and consequently adharam. However, a strong Indian sub-continent can definitely play a role in shaping the humane world, as suggested recently by Bernard.

Both Indians and Pakistanis branched off from the heartland of India and spread over the North-Western regions of India. They were identified as of Aryan Stock. Anthropologists of today, however, talk of four stocks inhabiting the Indian sub-continent namely, austrics, mongoloids, dravidians and aryans. According to them the entire North-West of India exhibits the aryan strain in the population. Politically this north-west region embraces in itself both India and its extension—Pakistan. The sub-continent was divided on the basis of religion but stands united by culture and heritage. Strangely enough, the people who were against this division Punjabis and Pathans are bestians whereas the others co-religionists who created this phantasy land have stayed back reconciling to citizen of secular India.

This unfortunate division has unleashed a plethora of misfortunes which spared us no respite to look for the hope still under the lid of the legendary pandora box and that hope lies in unification of the two States, in the whatever form, once it is achieved not only Kashmir problem would wither away but a buffer independent Tibet may not be a remote dream.

Sardar Patel soon after partition, had emphasised that : "If Pakistan does not change her ways, there may soon be a flare-up. The nation must be quite prepared for any emergency...As far as India is concerned, she wants Pakistan to grow into a strong and prosperous country. Some people had talked of a possible re-union just now, atleast not until those who had clamoured for a separate homeland, had reaped the harvest they had sown."[35] Four and a half decade is the sufficient time for realisation that the partition of India on the basis of religion was a curse and deserves to be annulled. The answer to Kashmir, economic and the problems of Indian sub-continent lies in the unification of the two countries. Primarily the Muslims belonging to Bihar and Uttar Pradesh were for creation of Pakistan, but most of them have not proceeded to Pakistan and have stayed back. They appear to have reconciled to secular India during these 46 years. For cooperation, co-ordination and for establishing cordial relations and ultimately unification of India and Pakistan, it is the responsibility of Muslims of the hinterland to build bridges of understanding.

Maulana Abdul Kalam Azad preferred Hindu-Muslims unity, even to Swaraj, when he said: "If an angel desends from the heaven today and proclaims from the Kutub Minar that India can attain Swaraj within twentyfour hours provided I relinquish my demand for Hindu-Muslim unity, I shall retort to it: No my friend, I shall give up Swaraj, but not Hindu-Muslims unity, for if Swaraj is delayed, it will be a loss for India, but if Hindu-Muslims unity is lost, it will be a loss for the whole mankind.[36] Unification may not be just a far cry. Nature demands it. It is also in consonance with the dream of the great Yogi Aurobindo Ghosh. K. Natwar Singh is justified when he says: "This is in the hands of cosmic master, unseen yet all powerful. The really spiritual is beyond science and superstition. Someday, out march to folly night cease; in the meanwhile, let the cocksure shed claims to the infallibility of science or reason. The bell tolls for the them too.[37]

Undeniably, the resolve to solve the Kashmir problem is transparent. Any solution outside the framework of the Indian constitution will automatically invite the wrath from all sections of the people, against the establishment and trigger the chain reaction in other States and ethnic revivalism leading to further Balkanisation of Indian sub-continent.

In ultimate analysis, the answer to innumerable Indo-Pakistan problems, ensuing partition of the country, including that of Kashmir, lies in the unification of the two countries. In this context the prophecy of Reverend Allen Wright, published in a lead article, "The spiritual path of Mother India", reads: "The years of 1993, 1994 and 1995 will be critical time in India's history as it is a time for spiritual awakening and rebuilding. Despite the bloodshed and cleansing there is hope and once unity is attained Mother India will reach out and embrace the world with her. Powerful teachings...The borders of India and Pakistan will be covered in red and after much upheaval there is a white light and eventually unity between the two countries."[38]

K.F. Rustamji recently in a lead article, "Towards Confederation", concluded: Pakistan has taken the lead in establishing a useful convention. It is used to be called interference but we have now to call it the seed of confederation. If the Pakistan legislature can pass resolutions on our faults and internal affairs it is the first step towards mutual interaction and defendence. It has ceased to be interference. It is the beginning of a new polity—the India-Pakistan confederation—we seem to be inching towards. Hatred of India is the only emotion that keeps politicians together in the sandy country.[39] During British rule it was not the desire for independence as much as the hatred of the British which provided unity during the freedom struggle. How soon hatred vanished and ended unity. Our foreign policy deserves to show originality and we ought to start taking special interest in the internal affairs of Pakistan, and try to understand the ethnic groups that have been demanding self-determination and separation in Sind, Baluchistan and the NWFP.[40] The biggest surprise may be the two Punjabs and the two Bengals coming together. And that may be the beginning of a confederation coming into being.[41] India, Bangladesh and Pakistan are bound to push up the men and women who will unite us. Lord Ordains: "I will pray for the concord among people at home by which 'Devas' do not separate nor even hate each other."[42] The unity in Indian sub-continent may emerge in a common market and a confederation, of which a united Kashmir would, of course, would be a proud member. Instinctively, we are moving towards such a union because the people want it.[43]

A.L. Basham in "The Wonder That was India", on interaction between Hindus and Muslims and even supposedly considering them two different nations asserts: that of these the wild tribes of Central Asia were rapidly assimilated, but the Muslims, with their rigidly codifed religion, were too much for even the omnivorous Hindu culture to digest. interaction between the two religions and ways of life indeed took place, and once at least a *modus vivendi* was almost reached. It is not wholly surprising, however, that, when India began to reassert herself, two nations should have replaced the single British Raj; but all impartial students must regret that the unity of the.Indian sub-continent has been once more lost, and trust that India and Pakistan may soon forget the bitterness born of centuries of strife, in co-operation for the common welfare of their peoples.[44] The answers to most of the problems sub-continent, including Kashmir problem, lay in coming closer of the people, understanding each, other, mutual trust, co-operation and ultimately in the unification of the sub-continent.

Nani Palkhivala is justified when he says: India and Pakistan are culturally akin, linguistically knit, geographically close, and historically related. The mass man are keen to bring the two benighted countries together for their common development. The sub-continent needs a statesman who may initiate a process which will translate into reality Sri Aurobindo's vision of India and Pakistan coming close together and standing united. General Omar Breadley said, "Ours is a world of nuclear giants and ethical infants. We know more about war than we know about peace, more about killing than we know about living. We have grasped the mystery of the atom and rejected the sermons on the Mount." It would be the greatest day in the history of our republic when India, with its priceless cultural heritage, disapproves this dictum.[45]

Answer to Kashmir problem undoubtedly, lies in the economic prosperity of the Indian sub-continent. The people should work in unison, as people living in the sub-continent are one, irrespective of their castes, religious, colour, creed and the regions. The remedy to the Kashmir Imbroglio ultimately lies in unification of India and Pakistan. India needs to chart out a clearcut course of action to restore normalcy and stability in the valley. General Krishna Rao (Retd), the Governor Jammu & Kashmir is moving in the right direction having initiating the political process in the State. The situation in the State is likely to change rapidly in the coming months, even though low-level strife may continue in and around the valley for sometime but by and large, the danger of an open India-Pakistan war over Kashmir has largely receded. M. Rasgotra suggests[46] the following priorities:—

(1) Restoration of the prestige and authority of the State administration which requires rooting out of corruption and cleansing, in particular of the local police of disloyal and unscrupulous elements.

(2) It is difficult to think of a wiser and more experienced man to handle this vexed situation in Kashmir than Governor Krishna Rao. He should be given all necessary support and left alone to complete the job. Sniping from New Delhi to which he has been subjected from day one must cease. He should be authorised to initiate exploratory talks with potential local leaders for restoration of the democratic process in the State.

(3) Return and rehabilitation of the 300,000 Kashmiri Pandits and a lakh or so of the valley's Muslim emigr'es in their homes is a task of top priority, which must be completed before preparations are made for elections in the State.

(4) Doda demands urgent attention. But declaring the district a disturbed area will solve nothing. The question of establishing a military cantonment in the Doda district has been hanging fire in the Defence Ministry since the early 80s. This work must now be undertaken on a war-footing along with all else that is necessary to clear this

strategic area not only of terrorists but also of the Pakistani elements.

(5) In the face of Pakistan's continuing violations of the Line of Control, our military should be authorised to counter-attack and straighten out the LOC where it at present traverse inhospitable terrain. The Line should be fortified with an adequate number of semi-permanent and permanent military camps and cantonments along its entire length.

(6) Preparatory to the elections, fresh electoral rolls should be prepared and identity cards issued to genuine inhabitants of the Kashmir valley, and other regions of the State.

(7) For all the money given to the State by the Union Government since 1947, the valley has little to show by way of economic development. Comprehensive regional plans for development of the Kashmir, Jammu and Ladakh regions should be prepared and their implementation entrusted to regional administrations headed by three newly-created Deputy Chief Ministers. Local bodies, such as village panchayats, should be fully involved in the preparation and implementation of develoment projects. The highest priority should go to the creation of massive employment opportunities for the State's youth within the State and in the rest of India.

(8) The State's educational system is in need of attention, modernisation and vocational orientation. Numerous low-level institutions funded from outside sources have been functioning as breeding grounds of commual bias and religious fanaticism.

(9) A new Department of Kashmir Affairs should be created in the Union Home Ministry to oversee the State's development activity and other affairs. It should have an eminent figure from State at its head as Minsiter of State.

Rasgotra sums up:[47]

Following a free and fair election sometime in 1996, possibly in the autumn of 1995, the State's new government should function in full freedom within the Indian Constitution, with New Delhi's actual control being restricted, in effect, to defence, external affairs, external trade, currency and communications along with the Supreme Court's existing jurisdiction over the State Judiciary. *De facto* enhancement of the State's autonomy in this manner may not require constitutional amendment. Adjustments in the nature and scope of the autonomy of Indian States are not debarred by the Constitution. There should be willingness on all sides to consider these in the context of the overall security, integrity and well-being of the country as a whole and a more or less uniform functioning of the State Governments in the essentials of administration. It is no doubt that militants in Jammu and Kashmir are on the run. Terrorists movements tend to show signs of decelerations after some time due to internal problems. What is happening in Kashmir is that people are showing signs of weariness due to economic hardships. A revulsion is building up against militants because of the atrocities committed by them. L.K. Advani suggests[48]:—

(*i*) that advantage must be taken of the growing revulsion against militancy, but without talking of a political solution, or initiating negotiations with militants;

(*ii*) to seal the borders, give enough flexibility to the security forces to deal with the situation, and attend to the needs of the people.

References and Notes

1. Communist China and Arms Control, a contingency study 1967-1976, Hoover Institution Publications, (1968) p. 9.
2. *Ibid*., pp. 8,9.
3. Pauly parakal, peking's Betrayal of Asia, (1976) p. 22.
4. B.N. Mullik, The Chinese Betrayal, (1971) p. 280.
5. Pauly Parakal, Peking's Betrayal of Asia, (1976) pp. 32-33.
6. B.N. Mullik, The Chinese Betrayal, (1971) p. 91.
7. *Ibid*., p-280. Also see, Steophan Yurkov, Peking plans for Asia (1952) p. 65.
8. P. Chand, Mother Land May 26, 1974. Also see, pauly Parkal, Peking's Betrayal of Asia, (1976) p. 37.
9. Rajdeep Sardesh, "China danger to regional peace", The Times of India, December 13, 1993 p. 11.
10. Pauly parakal, Peking's Betrayal of Asia, (1976) p. x, Also see Communist, November 12, 1975.
11. Daljit Sen Adel, China and her neighbours, (1984) preface.
12. Pauly Parakal, Peking's Betrayal of Asia, (1976) p. 23.
13. His Holiness the Dalai Lama, Introduction to Tibet—A Reality, by M.G. Chitkara.

14. His Holiness the Dalai Lama, Afterwords to: Indo-Pak Amity: A New Concept, by M.G. Chitkara.
15. Nani A. Palkhivala, We, The Nation, (1964) p. 66.
16. Sudheendra Kulkarni, Blitz, October 30, 1993.
17. Gul Mohd. Wani, Kashmir Politics (1993) p. 174.
18. Alastair Lamb, (1968) The Kashmir Problem, p. 1.
19. F.J. Khergamvala, "Raphol's remarks will help India", The Hindu, November 21, 1993.
20. Alastair Lamb, The Kashmir Problem, (1968) p. 3.
21. Bernard Lown,"India: Pluses and Minuses", The Tribune, December 21, 1993, p. 8.
22. *Ibid.*
23. "Communist China", (1968) p. 536, Edited by Granz Schurmann and Orvilte Schell.
24. Bernard Lown, "Crowing rich-poor disparities", The Tribune, December, 22, 1993, p. 8.
25. *Ibid.*
26. Indian Express, May 19, 1992: Also see, Gul Moh. Wani, Kashmir Politics, (1993) p. 174.
27. Gul Moh.Wani, Kashmir Politics, (1993) p. 174.
28. "India, Pak biggest arms importers, the Tribune, June 3, 1994, p. 9.
29. Dr. Manmohan Singh, "FM rules out retrenchment", The Tribune, January 30, 1994, p. 1.
30. His Holiness the Dalai Lama, Introduction to Tibet-A Reality, by M.G. Chitkara.
31. The Patriot, May 5, 1975, Also see: Steophan Yurkov, Peking Plans for Asia, (1982) p. 67.
32. "Ahmediyas allege persecution in Pakistan", The Tribune, December 25, 1993, p. 3.
33. Bernard Lawn, "New World Order and globalism", The Tribune, December 23, 1993, p. 8.
34. M.S. Golwalkar, Bunch of Thoughts, (1966) p. 249.
35. DG Tendulkar, Mahatma, Vol. 8 (1990) pp. 235-236.
36. Rajmohan Gandhi, Muslim Mind, (1966) p. 230.
37. K. Natwar Singh, "A Spirited fighter even at 74." The Sunday Tribune-Books, February 6, 1994, p. 10.
38. Reverend Allen Wright, "The Spiritual path of Mother India", in, The sage and seer", (1993) pp. 8-9.
39. K.F. Rustamji, "Towards Confederation?" The Tribune, January 13, 1994, p. 7.
40. *Ibid.*
41. *Ibid.*
42. The Times of India March 13, 1994, p. 8.
43. K.F. Rustamji, "Towards Confederation?" The Tribune January 13, 1994, p. 7.
44. A.L. Basham, The Wonder That was India (1994), p. 79.

45. Nani A Palkhivala, "Lessons From Israel: A vision of the Indian Sub-continent", The Times of India, July 3, 1994, p. 12.
46. M. Rasgotra, "Kashmir agenda Delhi should identify right priorities", Indian Express, July 4, 1994, p. 6.
47. *Ibid.*
48. Askari H. Zaidi, "Doda may get out of hand: Advani", The Times of India, July 7, 1994, p. 11.

Appendices

Attar Singh,
IAS (Retd)
Member, H.P. Administrative Tribunal.

November 21, 1994

This book "Kashmir Imbroglio : Diagnosis and Remedy" is a result of long and deep thinking on the subject by the author Shri M.G. Chitkara. The author himself has undergone the trauma of partition because he belongs to Bannu in N.W.F.P now part of Pakistan. He came to India alongwith his family members when he was just fifteen years old. The author wanted to know as to why this partition has taken place and in search of an answer to this question he began the long journey of studious quest and result of which is this book. One may differ with the perception of the author but it is a sincere and honest effort to find the solution to the problem. The author genuinely believes that the answer to the problem lies in the unification of the two artificially created parts of one country which is the result of hatred and greed for power of the few. The common masses did not accept the partition and that is why the larger population of Muslims remained in India and its Muslim population is far larger than that of Pakistan. In fact the muslim population in India is the largest in the world. We have divided the country politically into India and Pakistan but culturally, socially, emotionally and historically it is one. I would like to congratulate Shri Chitkara for his excellent work on the subject.

Sd/-
(Attar Singh)

Amrit Lal Kapoor **Mandi-175001**
B.A.L.L.B., **(H.P)**
Advocate Himachal High Court. *Ref No...Date 6th Oct., 94.*

Respected Chitkara ji,

Gist of your book "Kashmir Imbroglio, Diognosis and Remedy" requires no opinion but appreciation. A cronic and long lingering on problem of this sub-continent has been rightly put for consideration alongwith its solution in the book.

Nature has made Indian sub-continent an one entity, One cannot ignore that geographically and economically it is one and the people living here have one civilisation. The unnatural partition of the sub-continent has totally implaced its peace and economy, and the same has resulted with the fortyfive years into various evils and problems including the Kashmir problem.

The enormous expenditure on administrations and defence, of India and Pakistan has adversely effected on its timely progress. The author is justified in saying that the answer to the many of the ills, lies in unification.

With kind regards.

Yours faithfully

Sd/-
(Amrit Lal Kapoor)

Shri M.G. Chitkara,
Vice-Chairman,
H.P. Administrative Tribunal,
Shimla-II.

Kashmir Imbroglio : Diagnosis and Remedy

In this book the learned author has examined in some detail various aspects of the Kashmir problem in the light of latest developments. He has dwelt on the issue in its historical, social and political contexts. He offers, in the backdrop of a viable preamble, a very perceptive analysis, points and counter-points. The conclusion thus arrived at is quite tenable and convincing: unification provides a lasting solution. The language used is straight-forward and effective, the presentation persuasive and meaningful. Here each chapter concentrates adequately on one specific aspect, and at long last all sections are finely inter-woven to form an organic whole. *Kashmir Imbroglio* is, indeed, a very revealing commentary on the Kashmir tangle which should be of great interest to general as well as specialised readers.

Sd/-
(Dr. Atma Ram)
(Former Director of Education)
Adviser (Education)
Himachal Pradesh,
Shimla-2.

"SOLUTION TO KASHMIR PROBLEM"

by

Name Ashwani Kumar, I.P.S.

Designation: D.I.G. of Police, Department of Enforcement, H.P. Govt. Shimla.

Date of birth: 15.11.1950.

Educational Qualification: Bachelor of Arts: Post Graduate Diploma in Human Resources Management: 30th Course of National Defence College, New Delhi.

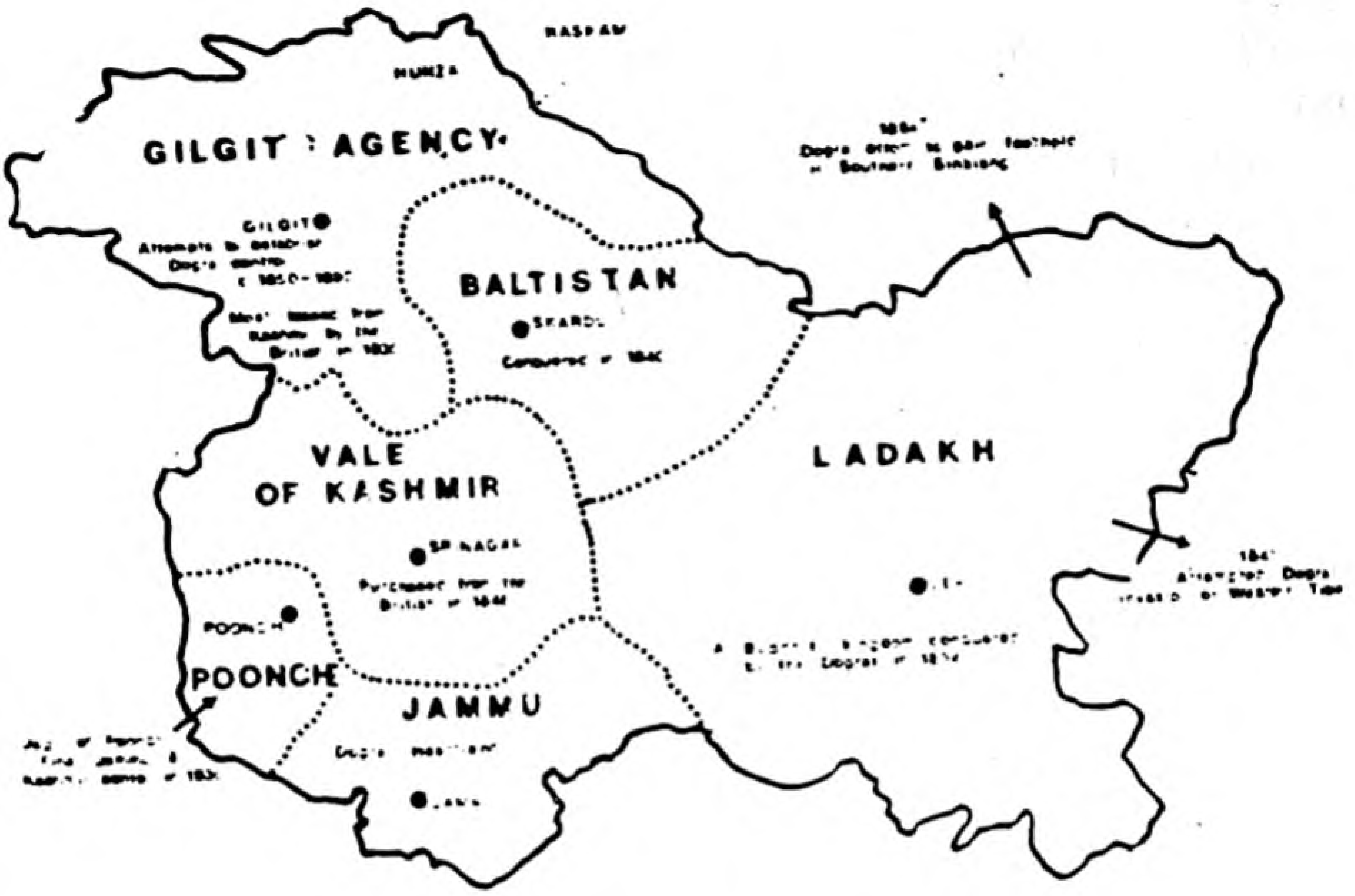
Experience: Joined the IPS in 1973 and thereafter remained posted in districts of Lahaul and Spiti Kinnaur, Solan and Shimla. Worked in Cabinet Secretariat, Govt. of India, New Delhi for more than 6 years in various capacities: worked as DIG.CID/HP and DIG/SR at Shimla.

A study of the history of Kashmir from 1846 to 1993 reveals that this region has been increasingly gaining Geo-political importance. With the disintegration of the U.S.S.R. situated in the North and the turmoil taking place in Afganistan situated in the West, the issue of independent Tibet being raised by the Dalai Lama and the western powers—this region is likely to become the hotbed of international politics if India and Pakistan do not come to terms and accept the realities of the situation. A clinical approach would reveal that the present dispute is mainly confined to the 'Valley of Jhelum' *i.e.* the 'Kashmir Valley' an area of not more than 50 x 70 Sq. KMs. The region of P.O.K. (Pakistan Occupied Kashmir) or Azad Kashmir as known in Pakistan alongwith Hunza/Aksai-Chin has been distributed amicably between Pakistan and China. The Ladakh, Jammu and Poonch areas are in effective control of India. Therefore, the current dispute is mainly confined to the "Valley of Kashmir."

The Kashmir solution from the point of view of India and Pakistan can be found in two parts *i.e.* (i) at the Diplomatic level in international fora and (ii) at the Domestic level through political and administrative measures taken by the two countries. The Shimla agreement of 1972 to a great extent recognised this position. Smt. Indira Gandhi, the then Prime Minister of India and Sh. Z.A. Bhutto, the then President to Pakistan showed rare pragmatism by saying that *"in J&K the line of control resulting from the cease-fire of*

December 17, 1971 shall be respected by both the sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or use of force in violation of this line." Further talks to resolve the dispute were to continue keeping in view the above position. Recognising the present reality of the situation on the ground and the dark future if the hostilities were allowed to continue, it would be in the interest of both countries to recognise the present L.O.C. (Line of Control) or L.O.A.C. (Line of Actual Control) as the Inter-National Border. It would be futile for India to seek to reverse the clock of history and claim sovereignty over Gilgit, Hunsa, Aksai-Chin and equally foolish on the part of Pakistan to think of acquiring the whole of Ladakh, Kashmir, Jammu and Poonch. The enclosed map of the stages in the creation of J&K would make this point clear. From the historical point of view also, these regions were separate much before the position that was prevalent in 1947. Since the matter has already been brought up in U.N.O. and the International Court of Justice, it would be in line with modern day international relations to arrive at an agreement under the auspices of U.N.O. or some such Inter-National fora wherein there is a participation of U.S.A., Russia, China, etc.

At the domestic level, both India and Pakistan should take measures to integrate the different regions into the existing administrative and political frame work of their respective countries. As far as the Govt. of India is concerned, the problems of Junagarh, Kathiawar and Hyderabad Erst-while States were affectively solved at the time of Independence. Subsequently, the problems which arose in Sikkim, NEFA (presently Arunachal Pradesh) and other North-Eastern States have also been solved to a great extent by creating self-governing States within the Union of India. Geographically and culturally the areas of Jammu, Ladakh and Kashmir are different from one another. Therefore, these are required to be divided into separate units and new States formed within the Union of India. The lease of Gilgit Agency executed between the then State of J&K and the then Govt. of India in 1935 for a period of 60 years is coming to an end in 1995. India should, as a gesture of good-will, agree to part with Gilgit/Hunsa region already in the occupation of Pakistan.


HUNZA
GILGIT AGENCY
GILGIT
BALTISTAN
SKARDU
VALE OF KASHMIR
LADAKH
POONCH
POONCH
JAMMU

Shri Chitkara's book reaches at the roots of the malady that has been ceaslessly nibbling at the country since the Independence. His vision is vast and deep which penetrates the problem with judicial analysis. Through the Diagnosis and the Remedy, he has raised some very serious questions which may not be to the liking of the power that be or the mind that professes to be secular but hesitates to be essentially and impartially as such. The threat that lingers through China and Tibet, Bangladesh and Pakistan, terrorism and timidity and now looks larger that even the Doda area of Jammu is in fact the threat to the very existence and survival of this land of rishis and Gurus and all those who laid down their lives so that we may live. Let the people bark the voice of sanity and ponder over the remedy that is Bold and original and yet built around Bharitya ethos.

Sd/-
B.S. Bedi.
Principal (Retd.)
Advisor Riarki Educational
Institutions and Member,
All India Rashtriya Sikh Sangat

Phones : Off. : 6253
Resi. : 201079

Chhabil Dass
Advocate

Shimla 171 001 (H.P.)

Dated : 10.9.1994

The origin of Kashmir problem has arisen on account of legendary divisive forces which have been working in India ever since the British Rule. To start with the British Rule itself relied upon the policy of "divide and rule" which culminated into two nation theory and finally resulted into partition of the country in the year 1947.

This problem is a sequal to the aforesaid partition. The germs of partition continued to infest the country and gradually such germination multiplied, with the result that the country is not only divided into major religious sections, but also even religious denominations further divided into castes and clans.

After the State of Jammu and Kashmir acceeded to the Union of India, the Government of India did not cultivate the people of the State but cultivated the pseudo leadership of bourgeois. To start with Sheikh Abdullah was made the Prime Minister and later the office came to be known as the Chief Minister. Sheikh Abdullah did gain some popularity amongst the masses, but after long spell of his leadership in the State, the people came to the conclusion that the said Sheikh Abdullah was interested in his self aggrandizement, power and money. This state of affair was perpetuated by his successors, with the result that the masses who used to workship Sheikh Abdullah later re-acted so furiously that it became difficult to protect his mausoleum.

The Government in the Centre did not discharge its obligation towards the people of Jammu and Kashmir and left contended by placing certain Chief Ministers on the chair and left everything to to whims and caprice of such chief Ministers. The only role which the Central Government played was to provide para-military forces and pumping several hundred crores of rupees to the coffers of the State for its development and for payment of subsidies. While the former were taken to be an act of oppression by the people the later were taken to be doles provided by the Central Government for the use of Rulers and their henchmen. The money which was meant for the development of the State and people did not reach the common people. The result was that such people became easy prey to the catching slogans of fundamentalists like "Jehad" and "Islam being in danger."

Every Chief Minsiter of Jammu and Kashmir treated the State as his personal domain and did not brook any interferences from the Central Government. The Central Government in its turn always fearful of defection of the Chief Ministers who appeared to have some mass support was kept on tenterhooks by such Chief Ministers. Whatever resudiary authority was vested in the Central Government, in view of Article 370 of the Constitution of India, even that was not exercised rather such powers were abdicated and the Central leadership looked the otherway.

The people of Jammu and Kashmir have never known any representative Government in the real sense. The elections were rigged and were only a make show affair. The result is, the people of Jammu and Kashmir became targets of fundamentalist slogans and the problem which was only local in nature to start with and confined between the India, people of Jammu and Kashmir and Pakistan have now become pan Islamic problem. The foothold had been gained by the I.S.I. in Jammu and Kashmir because of the alienation of the populace and unless a real reapproach between common man of Jammu and Kashmir *i.e.,* farmers, artisans, the labourers and other classes is made there is not going to be any peace in the State.

It requires great determination on the part of the Central Government and also on the part of the well meaning citizens of the State to satisfy the populace with the good intention of the Indian Government and to bring up an economy so as to assure bread and butter to the common man. Unless that is done, no political solution can be found and the present trend of violence will not abate.

(Chhabil Dass)
.Advocate
Shimla-171001.

Vice Chairman
Himachal Pradesh State Administrative Tribunal
Shimla - 171002

D.O. No. MCA&T/2921/VIP/94

MINISTER
CIVIL AVIATION AND TOURISM
INDIA
NEW DELHI-110003

Ghulam Nabi Azad

9/11 July, 1994

Dear Shri Chitkara ji,

Thank you very much for your letter dated 27th June, 1994 alongwith a copy of chapter-wise Gist of your book "Kashmir Imbroglio: Diagnosis and Remedy" which I found very good.

With regards,

Sd/-
Your Sincerely,

(GHULAM NABI AZAD)

Shri M.G. Chitkara,
Vice Chairman,
H.P. Administrative
Tribunal,
Majitha House,
Shimla.

D.O No. PA/AG-10272

Indar Singh

ADVOCATE GENERAL
STATE OF HIMACHAL PRADESH
SHIMLA-171001

Dated. 9.9.94

1. The Author of the proposed publication has taken upon himself the task of bringing before the public a very important subject of which the foundation are in the past, in the present the World is facing the problem and in future the problems are sought to be solved. The proposed book, as such, belongs to select bond of works which cannot be fairly discussed, commented upon and appreciated without using superlatives. I think the Author has attempted the subject which was not touched by any body in the past in the present shape. The problem is of immense importance not only for the present but for the future the relationship between the different countries and also with regard to the existing relationship.

2. As the problem has been attempted by the Author with deep insight and thought providing ideas, every reader will have different interpretations and different appreciations from different points of view, may be, some may agree and some may disagree but the matter is necessarily of immense importance of national and international.

3. The book will provide a lot of material to the scholars to think upon, to the administrators to administer and to the politicians to find out solution to the problems pointed out.

4. The Author has shown great courage to touch the sensitive subject and deal with the subject effectively.

5. I think the book will provide great help to all concerned.

Sd/-
(Indar Singh)
Chairman, Bar Council
H.P. Shimla-1.

KASHMIR

The Problem:

In 1947 when India was being divided on the basis of 'Religions' alone. It was most easy to insist on total transfer of population. It was logical and practical.

Whereas Pakistan achieved that transfer of population through savagery which has no parallel in history. We remained looking on and un-concerned. Driven out of Lahore and Karachi Hindus in truncated India were told to look at the 'secular cry of Muslims in Kashmir'.

The native Hindu of the valley found himself being crushed under growing Muslim fundamentalism right from 1947 but his voice was ruthlessly suppressed.

One wonders why Nehru promised determining the will of the people when no such condition was laid down in the partition plan in respect of Princely States. Today Hindu is out of Srinagar, Baramulla, Anantnagh, Gulmarg, Pahalgam and around the famed Dal Lake and the ancient gardens surrounding it laid down by great Kashmiri Hindus of yore namely at Shalimar, Cheshmashahi and Nishat.

Shri Amar Nath Yatra has been banned and more than 1,37,000 Kashmiri Muslim State Government employees have reportedly refused to co-operate with government arrangements traditionally done to facilitate the pilgrimage.

Today Kashmir is far from Delhi as the moon is from the earth. The rulers have all along been busy in boasting of a foreign 'mother' and an Imam has been the consultant to one of the Prime Ministers. Too many of us have been concerned more with our own skins than the well being of people and the integrity of India. The outside world looks at Indian Hindus in no other light but like the sheep eating green fodder in an abattoir, each one of whom feels secure seeing so many of its kind together and all around. But the WOLF, at present in Kashmir, is about to enter through the door. The patriots and nationalist forces in India are being crushed under accusations, charges, court cases and threats of "Hindu fundamentalism" and fanning communal fires. The nationalist and the pro-Indian has been pushed to a corner "in opposition" in India's Lok Sabha.

New Delhi has not involved the world in the Kashmir tragedy. Lakhs of Hindus kicked out of Afganistan, Pakistan, Bangladesh alongwith Sikhs and Buddhists since independence did not arrest the attention of U.N.O. nor the plight of more than three lac Kashmiris presently in exile. On the other hand palestinians have eaten the Bone narrow of the world from the first day they became refugees.

New Delhi has not during the past three long years has been describing Kashmir as law and order problem created through and un-employment. It gave tacit support to the Muslim rumours that Jagmohan drove the people out. Questionnaries why only Muslims are Terrorists why not Hindus. Slogans and Terrorists are— YANHA KAYA CHALEGA—NIZAME MUSTAFA. HINDUSTANI KUTE—BAPIS JAO, BAPIS JAO.

The real fact is that the Terrorism is pure Islamic Fundamentalism full of hateredness against India and Indians. Govt. should stop deceiving the nation that terrorism is due to poverty and un-employment. Before any political process and return of people in exile is initiated following measures are to be taken in hands:-

Solutions :

(1) Administrative power in valley be temporarily vested with the Army so that they are able to curb insurgency lock, stock and barrel.

(2) Doda be declared as disturbed area and handed over to Army so that terrorists are identified and dealt with under rules.

(3) The pro-Pak agents be weeded out from the entire administrative set up in the J&K State.

(4) The discredited leadership in valley be ignored for sometime paving way for many a new leaders to come forth.

(5) Active and effective cooperation of ex-servicemen be utilized to its full to crush the terrorism.

(6) Pro-Pak and anti Indian propaganda be challenged not only at local level but also at global level. India's foreign offices abroad should be geared up in this direction. Nationalistic forces be taken in confidence.

(7) Pakistan should be told in clear times or terms that her anti-Indian plans will be frustated and if she does not mend she will be paid in the same coin.

(8) Rationalisation of population in the valley being a must the non-Muslims should be rehabilitated in the valley to the level of 25% of the total population.

(9) Regional development councils with Constitutional Rights need to be established separately for Jammu, Kashmir and Ladakh with financial powers.

Note

When America intervened in Vietnam, they said, "The frontier of America is in Vietnam". For a long time Germany has remained the frontier of U.S. The same goes for her in Iraq. Our frontier should be Lahore and Karachi to save Kashmir and rest of India. The sooner we do it the better. The civilized pro-Indian has been subjugated, insulted, thrashed and unslaved for too long. The unsuspecting and sane pro-Indian has always surrendered his daughters and territory because he doggedly stuck to good manners and his enemy watchful of his weakness decimated him with sword and abuse. Pakistan has a plan to break India. This seems to be an international conspiracy. How long can India wait for better times to come.

INDRESH KUMAR
PRANT PRACHARK,
HIMGIRI PRANT,
JAMMU

J.C.Gaur

District Judge (Retd.)
AP/1, Assistant Professer's Colony;
Pachpedi, Jabalpur (M.P.)

Solution to Kashmir Problem

Kashmir is an ignited problem, Socially, Financially and Politically. Solution to the problem is a most uneasy task involving International and National aspects and behaviour.

The two-nation theory caused a violent massacre and migration of Indian on communal and economical hatred specifically against people having Hindu Faith and origin. It resulted into a repercussion on the same footings against Muslims in India.

The philosophy of one-nation advocated by Mahatma Gandhi, peace and mutual confidence irrespective of any cast, creed and language failed, because Jinnah started to stress to claim separate leadership of Muslims and a separate State for them. The then congress had no other choice and had to agree partition of the country. Thus Islamic Pakistan came into being and a secular India. Kashmir chose to join India and the then Ruler executed an Instrument of Accession in favour.

The then Prime Minister of India Late Pandit Nehru honestly approached Security Council and called upon the Nations of the world to declare and ad judge Islamic Pakistan as an out-right aggressor into Kashmir. But his philosophy of truth "TRUTH SHALL PREVAIL" had no room in this forum. Since, Pakistan has been allowed to propogate lies and falsehood against India. Ultimately came bilateral Simla agreement to undo the security Council resolutions.

Both the countries have same type of citizens but their rights differ Fundamentally. Pakistan is governed by its religious leaders and military force while Indian Government is secular where Muslims are treated equally on the same scale every-where. India is a vast country and Pakistan is a small territory in view of their defence capabilities—but even then some big nations policy is to equate them for favour.

India has no territorial ambitions and equally respects the territorial integrity of Pakistan and other Nations. Indian history is an evidence. Pakistan on the other hand intends to have territorial gains on the ground of MUSLIM-MINORITY and forcing or forging an other partition of the secular India. Pakistan to note it for ever that India is not a State based on religious ground. India considers Pakistan a reality and ask it to give up to tune the muslim-minority and to raise a warfare on this count.

The illegal occupations of Pakistan on a part of Kashmir known as—occupied Kashmir or Azad Kashmir was a result of its aggression and not due to any talk at the time of partition of India to bisect it. The entire Kashmir is an integral part like any other State of India. A self-determination of plebiscite theory of Pakistan is mainly to blind the world's consciousness in the security council. It is apparent that Pakistan is trying to ride a horse from a wrong side in the name of muslims with a view to expand its territorial limits by further partition of India.

Pakistan has a Nuclear bomb and its policy is clearly to force India to have the same so that it can move the world-opinion to suit its evil purpose. Nuclear use will destroy both countries.

It is established now that Pakistan in collusion with his allies have been activating terrorism in Kashmir by inciting communal feelings of misguided muslim stooges. They are supplied arms/ ammunitions and trained in their missions. The I.S.I. leaders and mafia are engaged in trafficing narcotics to raise funds to purchase arms and supply them for causing disturbance in Kashmir and elesewhere in India. Most of the budget every year is enhanced to make military power stronger and stronger. There is no other country and around Pakistan except India as an apparent target. To challenge the accession of Kashmir amounts to dispute Pakistan origin itself Pakistan is required to know about this.

The events from the date of partition till to-day reflects the policy-frustration of Pakistan and futile conduct of allies/satellite. They seem to cause disturbance in India without achieving any thing except creating tension to self and others. Any government based on a religion in the present set-up of democracy is futile for protection of HUMAN-RIGHTS. Pakistan suffers from this contagious disease from its very inception.

In an operation like Kashmir there is probability of a few honest casuality even after precaution. The terrorists/militants/ bandits and sellers/suppliers of arms/narcotics to such people have no ground to retain or claim human rights on any scale in politics also.

The pattern of U.S. is definitely and deliberately is of leaning towards Pakistan, with a sense of accommodation to the Indian people. U.S. never thought of the malafides of Pakistan and always ignored them. It requires to give-up policy of dictation and domination. A moral courage of U.S. to admit the truth that Pakistan is in illigal occupation or Azad Kashmir as an aggressor will draw appreciation from the world and wash away its policy-error continued for so long time and also of Pandit Nehru of having filed a futile complaint in the World Forum. U.S. knew very well that it was not Pakistan who moved the complaint about aggression but it was India. The U.S. also was then aware of the consequences of this truth going against its policy.

The areas of co-operation and other bilateral issue be without strings by the U.S.

It can not be denied that Tibet's plateau is in Chinese control and it is a vulerable position for India. All the three can have discussions on the issue for an ultimate solution to avoid a nuclear conflict in this part of the continent. India and China know that use of superior arms and nuclear blast if resorted to is to annihliate both countries and Tibet also can not escape. Hence good sense should prevail and peace pervade through out the continent.

In my view the the following steps are imperative.

1. By supply of adequate latest weapon to Forces to strike terrorists/traffickers and persons who aid terrorism. Steps to be taken by other States also.
2. Postponement of election if terrorism subsides within 1½ or 2 years time, providing ordinary basic needs to the inhabitants, in the meantime to start development process in effectly in the state to affect public opinion. It needs a drastic actions.
3. By imparting teachings to the public about Ideals of MAJAHAB and DHARM, HUMANITY preached in holy Quran and Hindu script. Pamphlets be also distributed free of cost among the people, kight-lines persons from Muslim, Hindu and Sikh community may be called upon to serve.
4. People wishing to migrate to another country be allowed after filling a declaration on oath to this effect.

5. By preparing identification paper from all adults with signed photograph of the person in duplicate with his Particulars and declaration on oath like in an affidavit the declaration should further state on oath that the person taking it is faithful to secularism and the indian constitution that prevails. The particulars should be like this—Name of the person, his father/husband/wife name, two addresses one is of his residence and home town and the other about his vocation/profession faith rationcard No. and shop, gas connection No. with supplier Name and address, relations, name of his minor and major issues, his relations, telephone No, and space for other particulars like election constituency with municipal record and house tax and details of his property. Attestation be made essential. At the time of the election the special status provided by the Constitution of India be revised for abelition.

J.C. Gaur,
District & Session
Judge (retd.),
MP Judiciary

Kashmir problem is a self created problem by a wrong policy of the Congress at the centre. The problem, if any is how to get back the area of Kashmir occupied by Pakistan. Accession of Jammu & Kashmir with Bharat is complete and final. To repeat of Shimla agreement, time and again is self contradictory, unless we claim the Pakistan occupied territory under the Shimla agreement. It appears that the congress govt. at the centre has no political will to solve the problem. Once for all to talk of more autonomy to Jammu & Kashmir is absurd and is nothing but turning the clock back, which will not be allowed by the national forces of the country.

Sd/-
(JITENDRA VIR GUPTA)
Former Chief Justice,
Punjab & Haryana High Court

Kailash Chand Mahajan

No. PS/Adv. (MPP&P)/94.
Dated Shimla-2, the 23rd July, 1994.

My dear Shri Chitkara Ji,

Thanks for your letter of 22nd July 1994. To say that I was highly impressed by going through the contents of this letter is not enough, I confess that I didn't have the faintest idea that intellectuals like you, who have authored so many books and are in the process of completing yet another book involving a subject of a highly sensitive nature exist in our administrative set up. Frankly, I thought such appointments were made largely in political considerations.

It is kind of you to categorise me amongst one dignitaries who could be in a position to give their opinion on such a highly thought provoking book. I must admit, that with my limited knowledge on the subject, I in no way am in a position to give my reactions to the chapters so very carefully chosen and relevant to the problem. If unification was a possibility, there is no doubt that not only Kashmir problem but so many other issues relevant to the sub-continent could be solved. It, however, appears to be a distant dream and may not be possible to reverse the chapters of history covering the period of more than four decades. There is so much of hatred and ill-will amongst the new generation of late forties, based on rabid and false propaganda on either side that it shall be hard to soothen their feelings. I say so, because I have personally experienced such misgivings amongst people during my various visits to Pakistan after the partition of the country, last of which was during the end of February, 1977 when the fateful elections in Pakistan were due to be held on 7th March, 1977 during Bhutto regime. This is in spite of the fact that there is tremendous amount of good will amongst people of my generation, who have common friends and relations on either side. The way we were looked after during our visits to that country is something extraordinary.

Their hospitality, goodwill and courtesy is unparalled. Any way this is only my personal reaction in the matter and under no circumstances may be considered as my opinion on the forthcoming book. This may please be considered as personal letter only.

Thanking you once again and with warm regards.

Yours sincerely,

Sd/-
(Kailash Chand Mahajan)

Shri M.G. Chitkara,
Vice Chairman,
H.P. Administrative Tribunal,
Majitha House,
Shimla-171002.

Solution to Kashmir Problem

The last para in your book gist shows the correct direction. You have said that "If Pakistan and India freeze their military expenditure at its current level during the years 1990's, they could reap peace dividends of 50 billion dollars during the current decade, enough to put their children in Schools, provide primary health care and clean drinking water to everyone and to banish malnutrition by 2000. Even solution to the basic problems of the people of Indian sub-continent lies in their unity, understanding, co-operation and mutual trust."

However, despite this basic truth, we find grave ethnic conflicts going on in several parts of the world. Innocent blood is being shed, on an unimaginable scale.

Why was India divided into Bharat and Pakistan. This was another evidence of deep fanatic religious influence both among Hindus and Muslims. A long scientific and cultural upsurge will be needed to eradicate the false sense of hatred built up by British rulers, and savage fanatics specially among religious preachers. The influence of Bhakti movement seemed to have evaporated before the onslaught of ignorant fanatics.

Kashmir's accession to India was delayed by Maharaja of Kashmir, a Hindu. He signed the Instrument of Accession only when he had fled to Jammu, afraid of the advance of raiders from Pakistan who were led by British mercenaries. It was the National Conference and their leader Sheikh Abdullah and their cadre who kept the Srinagar Airport under their control enabling the Indian Army to land there. The Instrument of Accession only gave the Central Government Control of Foreign Affairs, Defence and Communications.

Those who have advocated abolition of Article 370, although Article 371 also guarantees similar safeguard to other some States, only has strengthened the voice of pro-Pakistan elements.

Today not only economic factors but the desire to preserve one's cultural and ethnic identity always the minds of the masses. Hence there should be adequate appreciation of the desire of the Kashmiri people to preserve their *Kashmiriyat*. Their Islam is also influenced by Sufism which was the counterpart of the Bhakti movement.

The problems of Kashmir is not merely a problem of Law and Order, Congress rule has meant unheard of corruption complete manipulation of election process, denial of any industrial development in J&K leading to the alienation of Kashmiri youth.

While terrorism has to be fought tooth and nail, path for political solution has to be step by step built up. Big political parties have tried to use the Kashmir issue to inflame passions or to grind their selfish ends. This must stop.

Much more also need to be done to expose the heinous designs of Pakistan. Provocative speeches of some 'Hindu' leaders only help Pakistan fundamentalists to gain strength. Riots in India have a more frightening impact in Pakistan and Bangladesh and also help recruitment of Muslim youth by anti-national elements. This was scene in Bombay. Such acts must stop. Both Muslim and Hindu should help families of both communities who are harmed by riots. This could have been done in Doda and Chamba. There is still time to act.

LEGISLATIVE ASSEMBLY
HIMACHAL PRADESH
COUNCIL CHAMBER
SHIMLA-171004
(INDIA)

Kaul Singh Thakur
SPEAKER

October 25, 1994

I am happy to note that Shri M.G. Chitkara, Vice Chairman, H.P. Administrative Tribunal, is writing a book on "**KASHMIR—IMBROGLIO : DIAGNOSIS AND REMEDY**" and has sought my personal opinion for the solution of the Kashmir problem. Beyond doubt, Kashmir is an integral part of India and the issue raised by our neighbour country Pakistan regarding Kashmir is neither relevant nor proper.

The author has dealt in this book on many topics relating to Kashmir. The main solution of the Kashmir problem is Shimla Agreement signed by our late Prime Minister Smt. Indira Gandhi and late Z.A. Bhutto Prime Minister of Pakistan. Pakistan is unnecessarily raising time and again the Kashmir issue at different platforms but the world knows that Kashmir is an integral part of India. I remember the actual words of late Prime Minister of J&K, Sheikh Mohmmad Addullah: "In fact, India belongs neither to Hindus nor to Muslims, nor to Sikhs. In India there is complete freedom and equality for everyone. In this very India we are terminating today the 106 years old ruling dynasty of Kashmir. If India were a Hindu country, how could it have supported us in doing away with a Hindu Maharaja?"

The accession of Kashmir to India was final when this issue was raised by Sheikh Mohammad Adbullah while addressing the Jammu and Kashmir Constitutent Assembly on 5th November, 1951, to decide the future of Jammu and Kashmir State.

Sd/-
(Kaul Singh Thakur)

K.C. Chauhan,
IAS (Retd.)

Parag Cottage,
Keleston, Shimla

Opinion

The daily newspaper reports of killing of innocent people of Jammu and Kashmir by the Pakistan aided militants are most disturbing to whole people of India. The insurgents are getting small arms and weapons from Pakistan, who is trying to internationalize the bilateral problem between India and Pakistan

Maharaja Hari Singh like other princes of India signed the instrument of accession like other Rulers of the erstwhile Princely States and as such the integration of J&K is complete legally and constitutionally. Our Prime Minister has rightly said that the only outstanding issue regarding the complete integration of Kashmir with India is the integration of the area of Kashmir which is in illegal and forcible occupation of Pakistan. Over the years it is the in-efficient administration in J&K which alienated the masses of Kashmir from the administrative set up. The discontentment of the people of Kashmir which is due to economic reasons and non-redressal of grievances of the people is being exploited by Pakistan.

The aim of the militants aided and abelled by Pakistan to create conditions in which the normal functioning of the Government and the development of the State is impeded. Therefore, an intensive economic development activities are required. Moreover all the political parties should speak with one voice on solution of economic and political problems of J&K as Pakistan is at State of war with us. The strategic location of the State bordering with Pakistan and China dictates an agreed national policy and programme for Kashmir.

Those nations which do not wish us well would like Kashmir to remain a trouble spot in Asia, we allowed grass to grow under our feet and procrastinated over taking firm action against the trouble makers we shall have to restore normalcy in Kashmir to usher in a democratically elected Government by people of Jammu and Kashmir. A responsive and honest administration can assuage the estranged feelings of the people. There is no time to apportion blame. Kashmir is integral part of mother India like other States and it is our patriotic duty to defeat the evil designs of Pakistan whatever be the cost.

I have gone through the manuscript of Shri Chitkara's book 'Kashmir Imbroglio : Diagnosis and Remedy' and the author has given a realistic exposition of Kashmir problems in its various facets and ramification. In his ultimate analysis Shri Chitkara is justified when he asserts that the answer to the animosties in the sub-continent lies in its unification. Undoubtedly, the people living in the sub-continent are one people and not two. The vivisection of the country on the basis of two nations theory was a blunder and it must be reversed.

(K.C. Chauhan)

Kedar Nath Sahni,
11, Ashoka Road,
New Delhi

19.8.1994

It must be made abundantly clear in no uncertain terms to Pakistan that India will not tolerate any interference of any kind in Kashmir. That the resolutions passed by both Houses of the Indian Parliament are not mere empty phrases but carry the firm commitment, conviction and resolve of the Indian people which will be fulfilled at all cost. Hence, Pakistan must stop providing training arms and financial aid to the terrorists. India should seal its borders and see that smuggling of arms and militants is stopped. For its posture to be credible, India must become an overt nuclear weapon power to counter, *interalia*, Pakistan's nuclear blackmail on the question of Kashmir.

The terrorists must be left in no doubt that the government is determined to put an end to terrorism and, contrary to what has transpired hitherto, it will not only not compromise with the terrorism in any manner but also deal with it ruthlessly.

It should also be made clear that no part of India can have a special status. By taking recourse to the abrogation of Article 370, the very seed of separation should be destroyed. Simultaenously, it has to made very clear both by profession and action that all citizens of India, wheresoever they may reside in India will get equal, fair and just treatment. A policy of 'Justice for all and appeacement of none' must be followed in both letter and spirit.

Confidence must be built amongst the people of Jammu-Kashmir that notwithstanding the happenings in the past now onwards their best course lied in full emotional integration into the rest of India whereby their interests will not only be adequately protected but also suitably enhanced. At the same time unjust treatment being meted out to the peoples of Jammu and Ladakh must immediately cease. The 'Hill Council' for Ladakh, as agreed to a long time back, should be constituted forthwith. The constitution of a 'Regional Council' for Jammu should also be announced.

A political dialogue, with a view to ensuring a fair and amicable settlement can not precede but only follow the return of normalcy in the entire State.

Such a dialogue, whenever it is held must include the representatives of the migrants, from the valley.

Furthermore, the terms of the final settlement should also encompass suitable provisions for their honour, safety and security as well as to ensure that they are able to play an important role in the future political and economic development in the State, generally, and in the valley in particular.

The peoples of J&K may rest assure that the recommandations of the Sarkaria Commission, on the question of greater autonomy to all States of the Indian Union which have already received widespread support will also be fully applicable to them.

It will be agreed, however, that these should be implemented in a manner that does not go counter to the higher and nobler objectives of maintaining the national unity of India.

In any case there is no incompatibility between the recommendations and their implementation in a manner which takes into account the point outlined above.

A rehabilitation scheme in the valley for lakhs of migrants from Kashmir should be prepared and should be implemented as soon as the atmosphere is conducive for them to return to their homes. Financial provision for the same should be made in advance. Meanwhile amenities denied to them so far must be arranged till it becomes feasible, for them to return.

(Kedar Nath Sahni)

K.S. Patyal

Solution to Kashmir Problem

The unfortunate and unnatural partition of India in 1947 is the root cause of Kashmir problem including so many other problems in this country especially problem of terrorism, which is uppermost and deeply connected with Kashmir problem. The real solution of this problem lies in undoing the partition, which may be appearing impossible or atleast uphill task to so many but it is not impossible. It can be possible through peaceful negotiation as well as through use of necessary force if need be.

The legal position was that as many as about 567 princely States of India, which were sovereign States were free to join dominion of India or Pakistan. At that time H.H. Maharaja Hari Singh of Jammu and Kashmir in exercise of his sovereign will opted to join the dominion of India through a duly signed instrument of accession after putting his signatures and seal on the instrument and as soon as this was done the accession of Jammu and Kashmir was complete and it became integral part of Indian Union, thereafter to dilute this position by internal or external pressure was entirely illegal and any effort to do so by any authority whatsoever high the authority might be was most unfortunate and real cause of all troubles the India is facing today.

Apart from undoing the partition of India done in 1947 which has caused a clevage between two brothers Hindus and Muslims due to partition of Mother India, which is the only permanent solution of Kashmir problem, the immediate solution can be found in the speech of the Hon'ble Prime Minister of India which he delivered from the rampart of the Red Fort on 15th August 1994.

The declaration of the Hon'ble Prime Minister P.V. Narsimha Rao in his historic speech made on 15th August 1994 that the accession of Kashmir with India is complete and if there is any thing incomplete in it, it is to free the occupied Kashmir from Pakistan. This is perhaps the line adopted by the main opposition of this country as it is clear from the recent utterance of the Hon'ble Leader of Opposition in the Lok Sabha, Atal Behari Bajpai. This may be possible now as both the parties in power and the main opposition in India are one on the point. It may not be out of place to mention here that this can also be possible through peaceful means advocated by the great son of this country Mahatma Gandhi. The use of necessary force through International Agencies can also be resorted to and is not ruled out.

Sd/-
(K.S. Patyal)
Advocate H.P High Court
(Former Addl. Advocate General H.P)

Shimla
Dated. 20.8.1994.

BIO-DATA

1. Born on August 25, 1934 in an agriculturist, Rajput family at village Mandkhar, Distt. Bilaspur (H.P).
2. Did Law Graduation from Panjab University Law College Jullundur in 1958.
3. Joined the District Bar Association Bilaspur (HP) in 1958, served as Secretary of the Bar Association for a number of years.
4. Got elected as Municipal Commissioner of New Bilaspur Town Municipality during emergency in 1975 and also served as Chairman of the same Municipality.
5. Appointed as State Counsel in the rank of Advocate General in 1977 in the Commission of Inquiry appointed by the State of H.P. to go into the complaints against high ups.
6. Joined the H.P. High Court Bar Association in 1981 and elected its President in 1986.
7. Elected as Councillor of the Municipal Corporation Shimla (HP) in May 1986 and served as such till 1990.

8. Appointed Additional Advocate General State of H.P. in March 1990 and served as such till December 1993.
9. Is now a practising Advocate of the H.P. High Court Shimla.

Sd/-
(K.S. Patyal)
Advocate H.P. High Court
Shimla and Former Addl.
Advocate General, H.P.

Shimla
Dated. 20.8.94

COMMUNIST PARTY OF INDIA

CENTRAL OFFICE

Ajoy Bhavan, Kotla Marg,
New Delhi-110002
General Secretary:
Indrajit Gupta

Grams: MARXBADI
After Office Hours: 3311801

New Delhi,
July 2, 1994

My dear Shri Chitkara,

I thank you for you letter (no date mentioned) enclosing synopsis of your forthcoming publication "Kashmir Imbroglio : Diagnosis and Remedy." You have asked me for my opinion regarding "solution to Kashmir Problem". I will try to send to you a short note indicating my ideas on the question, probably next week.

I have gone through the contents of your proposed publication. I don't know why have you raised the question of Tibet in this particular context. It has no relevance here and can only help force which do not want India-China relations to improve. I would suggest deletion of the Tibet Chapters from this book.

In any case I donot agree with your views on the Tibet question.

With regards,

Sincerely yours,

Sd/-
(M. Farooqi)

Shri M.G. Chitkara,
Vice-Chairman,
Administrative Tribunal,
Majitha House,
SHIMLA-171 002

Moti Lal Saqi,
Editor Encyclopaedia,
Cultural Academy,
Jammu.

Dated: Sept. 94

Article 370 of Constitution was eroded by and by which made Kashmiris suspicions about the intentions of rulers.

To resolve the tangle it is necessary to cut the powers to the size who are behind this bloody turmoil in the first instance. It is also necessary that the confidence of people is regained by attending to their genuine demands and respecting their sentiments. Internal autonomy should not only be restored but strengthened to the best of possibility.

Democratic institutions shall be allowed to function without the interference of Central Government.

The policy of pick and choose should be abandoned once for all and nobody should be imposed from above.

The cultural individuality of the State should be allowed to remain in tact and the use of funds made available to the State should be made for the upliftment of common people.

The parties representing divisive forces should be faced not with force but with arguments keeping in view the basics of composite culture of Kashmir.

It is unfortunate that nothing was done to curb the communal and secessionist forces on the theoretical and philosophical levels. Every effort should be made to protect the composite culture of Kashmir.

(Moti Lal Saqi)

View Point

Situated on the crossroad of various nations, Kashmir has been a melting pot of World known civilizations *i.e.,* Indian, Chinese and Central Asian. Its close contact with Gandhra has paved the way for the influence of Greek, Roman, Byzantine and Egyptian on the arts crafts and way of life of Kashmiris.

It is borne out by history that from the very dawn of history people of various types like Parthians, Scythians, Kushans, Mongols, Turks, Iranians and Greek have settled in this heaven on earth. The composite culture of Kashmir has come into being with the fusion of various elements, but people of the land have not simply imitated foreign models but have adopted and shaped every thing in their own way thus maintaining their own individuality.

Tangles in Kashmir have always been the handi-work of external forces and these external forces have always played havoc. To grab Kashmir has been the dream of many Kings and Sovereigns in the past and with the change of times this attitude has not changed at all. All the conspiracies to erode the ethos of Kashmir have been executed at the cost of Kashmiri people. This process of executing Kashmiris by the external elements was started by Mihar Kula in sixth century A.D. and has raised its ugly head again and again during the course of last fourteen hundred years. In current century in 1931, it was a non-Kashmiri who created animosity amongst the people. The cause behind present turmoil is also external. The wrong policies of succeeding Govts. have proved to fuel the fire in the current turmoil, because external elements took full advantage of the previous follies of the rulers. One shall not be surprised to note that during last forty years or so democratic institutions were never allowed to grow. Pick and choose has been always the order of the day.

Secular parties joined hands with fundamental to safeguard their small interests. Thus providing an opportunity to fundamentalists to spread their net-work, thus endangering the very existance of Kashmir composite culture which stood for live and let others live.

(Moti Lal Saqi)

C.T./C.L./1492

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M.S. Mukherjee.
I.A.S (Retd.)

June 28, 1994.

My Dear Shri Chitkara ji

Thank you for your letter dated 18th June, 1994 and the earlier one regarding my comments on the theme selected by you for your new book "Kashmir imbroglio : Diagonosis and Remedy."

It is heartening that an acamedically inclined person like you have not got into the rut of usual official routines and you are still carrying on with your extra-curricular interest. The book will doubtless be welcome to the discerning readers.

I have, however, some radical views on the issue and I suppose I cannot freely express it as yet. Going by the synopsis of the chapters of your book, I feel that my views may not go well with the scheme of your book. That is why I refrain from sending my comments. I, however, give all my good wishes and I thank you all the same.

With regards.

Yours sincerely,

Sd/-
(M.S. Mukherjee)

Mr. M.G. Chitkara,
Hon'ble Vice-Chairman,
H.P. Administrative Tribunal,
Majitha House,
Shimla-171 002

Naresh Thakur

Kashmir Problem

Kashmir has always been an area of historical sensitivity requiring careful attention. Now, nothing could be worse for the tragic situation, in which Kashmiri's especially the alienated youth, find themselves, than legitimisation of foreign interference and intervention based on questionable explicit or implicit motives.

Pakistan's assaults to tarnish India's image, becomes important for India to protect and preserve Kashmir from this assault. Things are not new, that Pakistan is attempting clear interference in Kashmir, by sending trained troops as well as Sending arms and ammunition to create all type of lawlessness in the State of Kashmir. India's earnest endeavour with dignity and restraint to accomplish peace in Kashmir, cannot be lost sight. India's stand in the meeting of Human Rights Commission, in Geneva 1994, "There is no question of any compromise on Kashmir," is highly appreciable. In the meeting, the voice of most of the countries was that it is a bilateral matter between India and Pakistan and must be settled bilaterally. This clearly demonstrates that Pakistan is out and out to defame India under the cry of violation of Human Rights in Kashmir. Of course at present there is unrest in Kashmir, but it is not as claimed by Pakistan. However, Pakistan has exacerbated constantly fueling by flowing lethal weapons, money and trained personnel.

Above the doubts to say, India is a nation which gains its strength from people of different religion, living together as one. Besides other, 120 million muslims are living in India. Search for an imaginative solution to the Kashmir problem is to face the problem of alienated youth. Reaching out to search youths, is a solution of Kashmir problem and also to provide economic opportunities. If the will of people shall prevail, that ends the desperate bids of the terrorists, besides this it will bring bright, peaceful and prosperous future for the people of Kashmir.

Sd/-
(Naresh Thakur)
ADVOCATE
Member BAR COUNCIL OF HIMACHAL PRADESH

Registered
STD : 01892, Off. 22773, Res : 22781
Himachal Pradesh Board of School Education
Dharamshala-176213

Dr. N.L. Nadda
Chairman

No./Date PS (Chm)/94-183
31st August, 1994.

In retrospect, everyday, it is becoming more and more clear that a simple problem between two newly born countries requiring immediate decisive action was unwittingly allowed to assume international dimensions. Not having been nipped in the bud the problem has lingered on for about half a century now. In the process, many countries have turned hostile to India. Internal atmosphere has deteriorated. Conventional arms and ammunitions have yield place to atomic weapons. Simple fighter planes have been replaced by sophisticated and computerised fighter planes. Such planes and weapons have become available to Pakistan on demand from the shelf. The intervention of international fora, the growing hostility of neighbours, the growth of fundamentalism, the spread of Gurrilla activity, the birth of terrorism, have all complicated the Kashmir issue still further, Shimla Agreement provides a basis for discussion but not a solution to the problem.

Let me at the very outset, disabuse the minds of those who believe that Kashmir problem has an economic and employment dimension. Frankly speaking Kashmir is the one State of Indian Union which has enjoyed special status from day one. It has attracted disproportionate economic and financial assistance right from its inception and yet the problem of Kashmir far from subsiding, has continuously grown in size and complexity. Hence package programmes of special financial assistance and employment etc. indicate only misplaced emphasis on ways to solve the Kashmir problem. The fact of the matter is that with leakages in administration special financial assistance has only increased corruption at all levels of administration. Unfortunately it is not being realised that corruption weakens administration and weak administration weakens the country. National interests in the process get a back seat. Personal interests get precedence over national interests. Individuals and nations which do not grow on the basis of hard work develop slavish character and suffer in the process. I am convinced that Kashmir problem cannot be solved by announcing extra-special economic pakages. Instead, as in the past, in future too they will only increase corruption and weaken administration.

Let me also state categorically the problem of Kashmir is not a problem of philosophy, it is not a problem of religion of the majority community, it is not a problem of ethnic differences, not of two nation theory or anything of that sort. These considerations have been brought into play to complicate the issue and divert attention of the people from the main issue.

Kashmir problem is not even a social problem. If at all, the social dimension of the problem acts as a uniting force between the two Kashmirs. People of Kashmir have always lived in peace irrespective of their religious beliefs, social customs, ethnic differences, economic differences, etc. They never wanted barriers to be erected between them and their relatives in the other part of Kashmir. Citizens individually and collectively, all over the world, want peace and prosperity. They don't want their families to be broken up. They don't want barriers to be placed in their freedom of movement to meet their relatives and friends across the borders. They don't want to be uprooted from their homes. They don't want to leave their cultural surrounding and their places of work and worship.

The only dimension which is holding up solution of Kashmir problem is political dimension. Once the politicans agree to the reunion of the two parts of Kashmir no ordinary citizens is going to object. But India cannot surrender that part of Kashmir which is under its control because the Maharaja of Kashmir has signed a treaty of accession with India. Pakistan does not want to surrender the Pakistan occupied portion of Kashmir to India because any political party which takes this decision will have to face the wrath of voters. Moreover, international community does not want India to be strong and powerful. Again for Pakistan Govt., Kashmir problem comes in handy to divert the attention of its citizens from the burning and difficult domestic problems of the country.

The problem of Kashmir, really speaking is extremely simple. The Maharaja of Kashmir signed a treaty of accession with India. As a consequence Kashmir became a part of India. The aggression has to be vacated and the Pakistan occupied Kashmir has to be retrieved by India.

India is a peaceful and non-expanionist country. Nearly half a century has passed since India attained independence and Kashmir problem cropped up. Two wars have also been fought but the Pakistan occupied portion of Kashmir has not been restored to, or retrieved by India. All this happened on account of international intervention. Two recent developments have complicated the issue still further. One is the threat of the use of nuclear weapons by Pakistan in the event of war with India and the other a powerful boost to internal subversion through trained personnel backed by vigourous and slaunderous hate campaign against India both on the national as well as international scene.

India's Kashmir policy is timid and directionless. The teethless postures of this country have reduced it to a country of little consequence. No effort has been made to weld the country into a solid and strong single entity.

Shimla agreement provides a basis for bilateral negotiations but not a solution to the problem of Kashmir. Negotiations on the basis of this agreement have now reached a dead end. No further negotiations are likely to end the stalemate.

It is, however clear that:

1. Pakistan will continue to build defence capability and will arm itself to teeth and that too with lethal nuclear weapons.
2. Pakistan with explicit and implicit support of powerful countries, will continue its efforts to destabilise India.
3. Pakistan will prefer to keep Kashmir issue burning than to make a serious effort to solve it.
4. In spite of accession to India Pakistan will not allow the Pak occupied Kashmir to reunite with the rest of Kashmir.

In this view of the matter India has to take a serious decision whether (i) it would like to solve the Kashmir issue or (ii) it would like the problem to linger on as it has already lingered on for about half a century now.

The first option calls for decisive and time bound action, the second to let the stalemate continue and to keep on holding periodical meetings with Pakistan at different levels of administration.

If decisive action is contemplated the following steps may be suggested.

1. Strike hard at corruption, nepotism and administrative inefficiency within the country so that contemplated plan is executed and desired results achieved.

2. Take a bold step and to begin with propose to Paksitan a *status quo* in respect of the Kashmir territories occupied by the two countries. Let Pakistan occupied Kashmir go to Pakistan and India occupied Kashmir remain with India.

3. Alongwith the above proposal a confederation of neighbouring countries including Pakistan, Bangla Desh, Nepal and India to end mutual bitterness, rivalry and confrontation, may be considered.

4. If this scheme fails activate

   (a) Foreign missions and
   (b) RAW

5. Give up defensive postures

6. Launch an offensive in diplomatic activity and convience the international community of the righteousness of India's cause.

7. Develop nuclear capability.

8. Strike at the source of terrorism.

9. Be prepared for a full scale war.

10. The death of thounds of innocent civilians and defence personal, the uprooting of lakhs of persons, the loss of property worth crores of rupees etc. are no mean losses as compared to the loss a war may involve.

11. The greater the delay in taking a decisive action, the more complicated the problem will become and the lesser will be the chances of its agreed or forced solution.

To be candid clear policy and decisive action are the basic requirements for the solution of Kashmir problem.

(Dr. N.L. Nadda)

N.N. Uppal, Purani Mandi (HP).
Rtd. Principal

In my opinion best solution to Kashmir Problem lies in integration of Kashmir with Himachal Pradesh. That will remove forever the advantage of numbers at the root of communal agitation initiated by Muslims in the valley. In this context I recall statements of Maharaja Karan Singh. It might sound too-radical at present but it will be found most effective in meeting the requirement of the situation.

Officers responsible for law and order belonging to Muslim community should be employed strictly outside valley, say in Jammu.

(N.N. Uppal)

O.P. Lonial

1D/78
FARIDABAD N.I.T
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31.08.94.

Dear Bhai Sahib,

I thank you for letter of 10th August alongwith enclosures. Your endeavour to focus on Kashmir problem is commendable. There is no doubt that Kashmir is the Symbol of our secular aspirations. The division of India was blunder. There was no geographic, cultural or religious ethics for such a division. I donot know if a slight delay in ushering in freedom for the country could have helped avoid partition.

The undivided India had Afghanistan, Iran, Burma, Nepal, Bhutan and Tibet as its neighbours. These neighbours never posed any threat to the solidarity of India rather they would have been dependent on it for presevation of their independence. The partition has created a permanent threat to the tranquility of the sub-continent.

The resources of poor people are being fueld into the ever increasing defence budgets. After world war II, Japan was devastated. It came to fore as one of the biggest economic power in the world just because it did not have to spend on Defence at par with other countries. The undivided India would have been a great economic power assuring to its people the prosperity had there been no race between the two parts of the same country to have edge over each other in defence preparedness.

Pakistan is the child born of Imprialist "Rape" of the sub-continent. The Muslim leaders who demanded Pakistan had no significant contribution to the freedom struggle. The nationalist muslim always stood for united India.

The fundamentalists in Pakistan may not allow unification of the country but conditions can be created through promotion of democracy in Pakistan for creation of loose confederation, deviod of military confrontation, for the well being of the people of the sub-continent. The need is to freez the outstanding problems, including Kashmir, to usher in era of peace and prosperity.

Your deliberations and attempt to focus the Indo-Pakistan problems are quite in line with the right thinking people and I hope these may leave an imprint on the minds of those of whom the peace in the region is of paramount importance and those who feel concerned.

I find little time from my work to keep myself abreast of the current events. However, it affords me pleasure to share the view of those like you, Bhai Sahib, who feel for the nation.

With regards to you and Behanji.

Sincerely yours,

Sd/-
(O.P. LONIAL)

Shri M.G. Chitkara
Vice Chairman
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SHIMLA- 171 002

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Dr. O.P. Saraswat
Director

Dated 2.8.94

A couplet in Persian describes Kashmir to be a heaven on earth. It was so till a few years back. Here nature is at its best. The snow clad high mountains, the dense jungles with tall trees, the cold desert, the rivers, and above all the lake, all that is beautiful and splendid is there.

Till recently, people with different faiths and beliefs lived in complete peace and harmony. It was a fertile ground for culture and literature. Alas, all this no longer there. Kashmir is bleeding.

In 1947, when India was divided and Paksitan was born as a result of the two nation theory propounded by the Britishers, Maharaja Hari Singh preferred not to join either of the two States. This gave Pakistan an opportunity to send into Kashmir tribals aided by its armed forces. The Maharaja was unable to control the aggressor. He signed the instrument of accession with the Government of India. Kashmir became a part of the Indian Union. Indian forces checked the advance of the tribals. But before the aggressor could be driven out of Kashmir, cease fire was declared. Thus there exists the territory known as "Pakistan occupied Kashmir." It is since then that Pakistan has been meddling in Kashmir. The problem has been compounded by the fact that Pakistan has declared itself an "Islamic Country."

Weak political structure in Paksitan, coupled with financial difficulties and ethnic problems, any government in Paksitan would like to keep the Kashmir imbroglio alive so that it can divert the attention of its people from the real issues facing the country.

Besides Pakistan, there are the U.S.A. and China. They have trade and military interests. Kashmir has a strategic position for both of them. Therefore, they continue helping Pakistan morally and with the supply of weapons. Thus whereas the factories in the two countries continue working manufacturing arms and filling in the arsenals in Pakistan, the development in Pakistan and India takes a back seat.

So to assume that Kashmir is a territorial issue between India and Pakistan is taking a simplistic view of the matter. In this issue, the world powers are also involved. They are using human rights organisations also to further their interests.

Government of India is equally responsible for the Kashmir situation. So far it does not seem to have a clear policy to tackle the situation. May be Pakistan, in the name of Islam, is able to lure a few misguided Kashmiri youth to create problem in the valley, but since 1947, the Government seems to have done pretty little to ameliorate the economic conditions of the people and to provide them education. In its over-enthusiasm to be secular and fair, the Govt. of India, granted special status to the State by incorporating Article 370 in the Constitution. To some extent, this special status has worked against mental and psychological integration of the people of the State with the rest of the country. Even now, not much has been lost. Given the will and keeping aside, at least, for some time, petty political considerations, a solution can be found. It can be either by use of force or by dialogue. The use of force should be the last resort. In a war, none is a winner. Both the winner and the vanguished are losers. The best solution is in dialogue and the Simla agreement could be the basis for the same. With a spirit of accommodation, the most knotty probelms can be solved. If the two countries agree, and they will have to agree at one time in the best interest of their peoples, the line of actual control could be the international boundary with minor adjustments here and there. What is required is co-operation, understanding and trust on both sides.

I am sure, Mr. M.G. Chitkara's work besides being of academic interest to the students of History and Politics, will help create a sense of goodwill, cooperation and understanding between the two countries to ease tension and pave the way for a permanent solution to the problem and thus usher in an era of peace at the borders.

Sd/-
(Dr. O.P. Saraswat)

Prof. Parmananda Sharma

Shyamnagar,
Dharamsala
(Kangra Hills)-176215
Phone,22727

Sept. 2,1994

Solution to Kashmir Problem

An analysis of the causes responsible for the creation of a problem is always the best means to help arrive at a reasonable solution to that problem. This generalisation is equally applicable in the case of Kashmir. The root question is: why and how have things come to such a pass? The partition of India was a massive disaster brought about by an unpardonable political blunder. Gandhiji's famous declaration that Pakistan would be built over my dead body' was over whelmed by Nehru' unwise expediency when he conceded partition of the sub-continent with the desperate outcry of '*Na, rahega sar no rahega sar-dard*' *i.e.*, "no head no headache." However, it became the beginning of a series, of bouts of severe headaches for India resulting in bitter wars and animosty between one time brothers. If the 1948 conflict with Pakistan over Kashmir had been fought to its logical conclusion there would have been no POK, but our flair for internationalism, at the cost of nationalism took us to the U.N. and the stalemate has continued ever since in spite of the U.N. having expressly declared Pakistan as an aggressor. After every war valiantly fought we surrendered every strategic location won at great cost by our soldiers; and, all this in the name of peace. As with China so with Pakistan (in Kashmir) we now have an LAC instead of an international border. Therefore, it is basic to the solution of the Kashmir problem that the portion illegally annexed by Pakistan through naked aggression is got vacated. Any agreement converting the LAC, into an international border will be a surrender and also fraught with grave implications for the future.

The special status granted to Kashmir under Article 370 is an anachronism. It should never have been enacted. In any case it has now overlived its stipulated base with all its baneful consequences: an elitist class fattening their own purses with billions of rupees pumped by the Centre into the valley for development, alienation of the general mass from the ruling clique owing to non-mitigation of poverty and ignorance. Corruption in administrative organs of the State, birth of a forest mafia playing havoc with ecology, growth of discontent and a sense of alienation at the grass-root level, communal and fundamentalist indo-crination of a gullible psyche, terrorism and the cult of the gun etc. Hence, Article 370 must be given its long overdue burial and the gates of the valley thrown open to settlers (and entrepreneurs from all parts of India. To Kashmiri migrants should be restored their hearths and homes with dignity and adequate compensation paid to them for the losses suffered. No political process will be complete without the participation of 3 lacs of Kashmiri Pandits now living as refugees in their own country.

Pakistan and China have a dangerous nexus and both have a common trait,—aggrandisement.

India has suffered at the hands of both as both have illegally occupied large chunk, of Indian territory. No aggressor like to gave up the fruits of its aggression. Our Policy towards both these countries have been of appeasement. We have let down a buffer State like Tibet by quietly acquising in its annexation by China, thus aggravating a situation which poses a standing threat to our security. We must be firm in our negotiation both with China and Pakistan. The latter's assertion that Pakistan is in-complete without Kashmir takes the lid off its long-time goal in Kashmir. It is high time India manufactures a nuclear deterrant to meet Pakistan's challenge when needed.

India is a multi-ethnic country but the binding factor among all ethnic groups had to be their loyalty to the motherland. This fact must be made clear to all those who still look forward to Pakistan as an Islamic 'Jannat' and its rulers as their god-fathers. The slightest exhibition of disloyalty to the Constitution and the flag of India must be severely dealt with those who continue to fly the flags of Pakistan in Kashmir, have no place in the country. Pseudo-secular attitudes and unmitigated patience in tolerating such indiscretions have led the country to such a pass as we witness in Kashmir today. Hindu ethos is neither sectarian nor fundamentalist. It is totally secular and universal in its import and it is this catholicity of outlook which has enabled it to absorb all shocks and on slaughts on its identity over the centuries. Therefore, the solution to the Kashmir issue lies in our zealously holding on to the secular ideal which includes the protection of the rights and traditions of all—minorities as well as the majority.

Pakistan's recent prediliction for globalising the Kashmir question must be adequately met with at the international level through a transparent net-work of global publicity and by bringing to the notice of the international community its role as terrorist State. A proxy of the kind unleashed by Pakistan in Kashmir is always a war of attrition,—tenacious and long drawn. And, in such a war the one who holds out longer wins. The solution lies in a long-time strategy of troop deployment and their combatworthiness. This needs defence—preparedness of a high order in the interest of morale.

Whereas the negotiating table is the most decent place for resolving bilateral issues, it is doubtful whether Pakistan would ever bring to bear such decent conduct on the Kashmir issue. India's constant references to the Shimla Agreement in this context evoke only contempt from Pakistan. Under the circumstances, India must keep itself ready for a far more frightening option as contempated by Pakistan:- that is, a war.

(Prof. Parmananda Sharma)

P.N. Sharma
Journalist

37, Nabha Estate
Shimla-171021

The panacea for the solution of Kashmir tangle lies in abolition of article 370 of Indian Constitution.

Because of this Article, people of Kashmir had the feelings that despite merger of Jammu and Kashmir into India, Kashmir is still not integral part of India like any other State of Indian union but just an appendix of India.

Pak in the name of religion is fully exploiting this feeling of Kashmiris. What Pak could not attain after three wars now wants to attain through proxy war.

Inside Kashmir, organisations like JKLF is the product of this article, because this organisation, which stands for independent Kashmir takes the cue from this abnoxious article by quoting that J and K is not part of india because it has got its own flag and constitution. Such organisations pronounce day in day out that after throwing the suzerainty of crown, why to accept India as a paramount power and be its subservient.

Once this article which stokes ambitions among the Kashmiri youth, to become ruler of 'Paradise on earth' is abolished then all questions raked in international arena will be buried and will remain only academic exercise for ideologists.

Till this Article is abolished, efforts, however should be there to build confidence and trust between the administration and people of Kashmir for that envoironment of greater trust and a sense of mutality of intersts should be created.

(P.N. Sharma)

P.S. Grewal

Solution to Kashmir Problem

The partition of the country in 1947 was rather unnatural more so because even a separate country based on religion was formed still crores of Muslims decided to stay back and live in their motherland (INDIA).

Kashmir problem like all the other problems between the two countries can be solved only by unification. This may not even look to be a distant dream today but has to come may be after many generations.

Kashmir problem might not have lingered on for so long if we had taken back the "Occupied Kashmir" from Pakistan immediately after it was occupied. Taking it back at that stage when our forces had reached deep into would not have been very difficult. May be Pandit Jawaharlal Nehru at that time thought of solving the problem by taking it to UNO which proved to be wrong.

To some readers unification of the countries may seem to be too funny but if one just takes a trip to Lahore or any other place in Pakistan that what regard and warmth they have for the people across the border.

The hatred, ill will and fighting is only generated by the politicians on the two sides for their own purpose to gain or retain power.

P.S. Grewal,
Dy. General Manager,
NFL-Nangal Unit.

Rama Mehta

Advocate, High Court,
Shimla.

Kashmir Problem—Some Observations

The author deserve congratulations for having taken up a controversial topic like 'Kashmir problem'. It is always enriching to view a subject from a new angle, which, though, may not offer ready-made solution to the problem, yet shows the way for further analysis which in the long runmetamorphose into a tested thesis ready to be transformed in action.

The book 'Kashmir Imbroglio : Diagnosis and remedy', of which I had the privilege to read the synopsis, is one such academic pursuit in my opinion.

In brief, the author adheres to the unification theory, the wrong partition of India, irrevocable accession of Kashmir, China's role in aggrevating India's defence, need for protection of human rights, in the valley, a unitary system with grassroot democracy, difficult political situation under present circumstances, and the recent problem of the Doda migrants to Chamba. The author ends the book by calling for amity between India and Pakistan and thus diverting their budgetary expenditure towards social welfare.

Commendable suggestions. But the problem is complicated and has diverse aspects. I consider myself incompetent and too naive to suggest any solution but feel tempted to agree with a political scientist that in Kashmir, it is only power that is going to prevail, not right *versus* wrong or just *versus* unjust.

The people living in the Indian Sub-continent are one. Nature has made the Sub-continent geographically, economically, politically, culturally and spiritually as one entity. The partition of the country on the religious basis and on the premise that we are two people, is the foundation of the Kashmir problem.

Let the people realise the mistake that was committed five decades ago and undo the same in which lies the solution to many ills.

(Rama Mehta)

R.C. Sharma

Kashmir Imbroglio: Diagnoses and Remedy

Hon'ble Mr. M.G. Chitkara, Vice Chairman, H.P. Administrative Tribunal Shimla is a known copious writer. As far as I know the author has already written six books, and this book will add another feather to his cap. I have known Hon'ble Chitkara as a leading lawyer and have had the opportunity to call on him after his elevation to the bench in the H.P. Administrative Tribunal in connection with his literary pursuits and this script. His present book is no less than a research work on Kashmir in the post-independence India. One say that Kashmir scenario may not remain the same in future. The fact of irrevocable accession of Kashmir cannot be the victim of disinformation and misinformation. Pakistan cannot flourish on false hopes or the cloak-and-dagger politics. Truth has been marching forward. It may be limping. That is why, as the writer says, dialogue must go on, and answer lies in unification of two countries. The two nation theory has diminished the strength of original India where ill-informed masses became victims of dirty politics of communal forces which created Pakistan. The challenge facing this book is to relate in to history-dispassionately. On the whole the subject matter of the book is interesting.

Sept. 8th, 1994
TAKSAL HOUSE
SHIMLA-171002.
(H.P.)

Sd/-
(R.C.SHARMA) I.A.S.Retd.,
Winner of Sahityakar
Puruskar of H.P.Academy
of Art, Culture & Language
and Ex-Editor, The Guardians
(of IAS) SHIMLA.
At present ADVOCATE, H.P.
HIGH COURT, SHIMLA.

R.K. Dixit 22/10/94

Respected Chitkara Bhai Shaib,

I have received letter from Narendra ,(Nangal) and who has asked me to give my opinion about Kashmir-problem.

Kashmir problem is a vexed problem for both India and Pakistan. Both are bleeding—bleeding with money, resources, hatred and above all literally with blood.

After 47 years of existence of Pakistan, it will not be prudent to acknowledge at this stage that two nations do not exist—rather if we add Bangladesh—three nations exist. Let us face the reality.

In my personal opinion Kashmir problem has never been tackled properly from the very beginning. We have also supported the corrupt Government of Abdullah which has completely alienated the local population against India. Misdeed and rampant corruption had been the order of the day. Infact when Jag Mohan was the Governor of J.K., people slowly started realising that he meant business and that he is good intentioned. During my personal visit to Kashmir, I got the impression that masses in general were happy but again vested interest saw to it that he is thrown out.

Kashmir has been living on hefty doks from India. Whole of population of India has suffered. It is the tax-payers money of India which had and is going to Kashmir to subsidise. food—in Kashmir. But in my opinion such "doks" do not help. After some time it becomes a matter of habit and right. No worthwhile industrialisation took place—except some development of tourist industry here and there. Masses in general remained poor. Hence we should have given support by way of industrial development. The Nehru's concept that prime object of any industrialisation is social-upliftment has miserably failed. Basic object of any industry should be to earn profit. And profit only can lead to more profits—and can be self sustaining. Since it will further generate more industries.

Article 370 giving special status to Kashmir has been another big folly. If China in a lesser time can solve Tibet problem by intermixing of population in its favour why can not we. We have been too conscious of the international repercussions and opinions. No nation on the earth bothers about international opinion if it goes against its self-interest. We have to learn to face it. We have failed miserably in this regard. We need another Patel to rectify the situation. In democratic system like ours "Note Banks" play havoc, and so no Govt. can take courage to take bold and correct decision even if a particular community objects to it. I wish if some leadership comes forward and "Indianises" the Kashmir.

With regards,

Yours obediently,

Sd/-
R.K.Dixit
D. Manager (Personnel)
D-3 N.F.L. Colony Panipat

SATYAM: R-11/165, RAJ NAGAR
GHAZIABAD-201002
Resi. 719656 Press 731270

Satya Pal Sharma

Sep. 21, 94

Respected Chitkara ji,

Your letter dated Aug. 17, 94, delivered to me on Sept. 10, 94. May be late posted at your end. So benevolent to you to remember me.

As for seeking personal opinion on your book "Kashmir Imbroglio, Diagnosis and Remedy" I am unable to find words to express the appropriateness of my humble feelings. It is your graciousness.

To me it appears to be a difficult exercise of asking an opinion from a like minded person who is of the same school. Yet I have tried to peep into your study of the intrigueing subject through the synopsis made available to me, objectively. Certainly it is an aposteriori hard work. Nothing short of synthesis. Very well informed and coherent analysis of the jumbled state of affairs of a State which has a chequerred history plagued by the unscrupulous follies and prejudices of the leaders. Now a Chronic Embroglio.

For 46 years the Government of India and Pakistan are groping in the dark over the Kashmir problem. And have been misleading their respective people that the territory of Kashmir is the apple of discord between the two countries. In order to keep it a workable plank for political ends. India has always assumed it to be an issue which the ruling party at the Centre is alone able to tackle by its strong rod of "Secularism". While the Muslim League and Pakistan people's Party would regale Communal Elements on the thought of struggle for the success of the "*Two Nation Theory*".

The wishes of people of Kashmir expressed over 40 years ago are being put to a litmus test. Obvious of the fact that the accession of Kashmir to India is perfectly valid on the basis of British formula and legal within the frame work on the Indian Independence Act 1947 enacted by British Parliament. Pakistan not to have an evil eye on its neighbour's territory.

The peace Committee in the House of Lords held under the Chairmanship of Lord Hesketh has called upon all sides to resolve the Kashmir issue through bilateral discussions and restore and normalise relations as envisioned under Shimla Agreement and the UN Charter. This is so right in view of the fact that resolution put forward by the then President of the Security Council, Dr. T.F. Tsiang on Mar. 18, 1948 had to be dropped because Pakistan disliked it.

The basic feature of the United Nation Resolution was directive that Pakistan should vacate its aggression in the State. Hence India closed the Kashmir question and refused to hold any parlayes with Pakistan. The same fate was met to the resolution of U.N. Commission for India and Pakistan dated Aug. 13, 1948.

Why Pakistan is so serious about Kashmir? Is it destruction of human race from the State? India did not enter Kashmir to aggrandise the territory, rather to save the State from destruction. On its accession it became an Indian territory and foreign to Pakistan. If the United Nation goes on shifting its stand every now and then in favour of the culpable claimant, can India be subjected to unwarranted interference in its sovereign national integrity?

Turned writer, while practising a legal profession is an added advantage in writing a well documented history, covering almost all related themes and concepts, imbibed chronologically, with perspicacity of true Nationalism.

Sd/-
(Satya Pal Sharma)

No. 634/LOP (RS)/94

Sikander Bakht
LEADER OF OPPOSITION
RAJYA SABHA

June 17, 1994

Dear Chitkara Sahib,

Thank you for your letter of the 9th June, 1994. I am glad that you are bringing out a book on Kashmir. I have gone through the list of chapters that are going to be the part of the book which you are intending to publish. These sound to be important chapters. Since I have not been able to go through the text of the book, I have confined my opinion to this at the moment. I hope that your efforts will help in conveying to the people of the country the basic factors relating to the existing imbroglio in that part of the country.

With regard

Yours sincerely,

(Sikander Bakht)

Shri M. G. Chitkara,
Vice Chairman,
H.P. Administrative Tribunal,
Majitha House,
Shimla-171002.

25, Tughlak Road, New Delhi-110011 Phone: 3793485 (Residence)
43, Parliament House, New Delhi-110001 Phones: 3016707,
3034883 (Office)

سید شہاب الدین
ایڈووکیٹ ممبر پارلیمنٹ

Syed Shahabuddin, M.P.

14, Janpath,
New Delhi-110001
Tel:3782128
Fax:3782059

4 July, 1994

Dear Shri Chitkara,

Please refer to your letter of 29 June, 1994 regarding the situation in Kashmir.

I last spoke in the Lok Sabha on the subject in early March. Prior to that I had written a couple of editorials in the Journal Muslim India. I am sending these to you for such use as you may deem fit.

I am also enclosing my bio-data, as desired.

With regards.

Yours sincerely,

Sd/-
(SYED SHAHABUDDIN)

Shri M.G. Chitkara,
Vice-Chairman,
H.P. Administrative Tribunal,
Majitha House,
SHIMLA-171 002.

Pakistan cannot snatch Kashmir nor can India keep it. India has to Recognise Kashmiriyat and Special Status and Unilateral Ceasefire, Restoration of Rule of Law, Withdrawal of. Syed Shahabuddin's Speech in Lok Sabha on Discussion on

At the outset, I would like to recite a line from Faiz:

ستم کی رسمیں بہت تھیں لیکن نہ تھی اس انجمن سے پہلے
سزا خطائے نظر سے پہلے، عتاب جرم سخن سے پہلے

I am sure that many a people in Kashmir today are, in their own way, in their own manner, reciting this universal line of anguish from the great poet Faiz.

A lot of things have happened in Kashmir. And we do not have to go over the ground again. But today, as I see the situation, there are certain facts that we must recapitulate which are obvious to the naked eye.

Pakistan fighting a proxy war; Pakistan recruiting, training, arming and infiltrating disrupters, subversive elements, insurgents, militants-whatever you like to call them-into the Valley is a fact of life. It is going on. For some reason or the other, we are not able to seal the border nor are we able to stop Pakistan through diplomatic offensive or, if necessary, as my friends pointed out, through military action. I know that Pakistan is prepared to fight for fulfilling its territorial ambitions to the last Kashmiri. They have no love for Kashmir. I am sure that Pakistan has realised that they cannot possibly make us quit Kashmir by such actions.

We know also that the militants have realised that they cannot wrest Kashmir from us through violent action whatever be its intensity.

We have also realised that the security forces acting by themselves cannot extinguish insurgency. We also realise, I hope, that the task of the Indian State is not to batter the Kashmiri people but to win their heart, mind and soul.

We know as a matter of fact, if Geneva is an illustration, that whatever is happening is not hidden from the world's eye, that we are in the court of the world.

Now, enough has happened in Kashmir. Enough blood has flown down the Jhelum. Enough bodies have been battered. Enough people have been killed. Enough women have been molested, raped and dishonoured. Enough children have been orphaned. Enough houses have been burnt. Enough localities have been turned into ashes. And where are we? How long shall we go on with this drama? How long, after all? We cannot take any more. They are Indians. They are our brothers. They are our citizens and they ask me in anguish when I face them: "Why are you doing it to us?" Can we console them by one single sentence that you have been caught in the 'crossfire'? Is that enough? Can we afford to have more Kupwaras and more Brijbeharas, more Lal Chowks and more Sopores, considering only what happened from January last year upto this year?

I plead with you, Mr. Minister and I place myself in the place of Kashmiri people and plead with you.

نہ گنواؤ ناوکِ نیم کش دلِ ریزہ ریزہ گنوا دیا
جو بچے ہیں سنگ سمیٹ لو تنِ داغ داغ لٹا دیا

You will ask me as to how do we come to peace, realise the vision of compassion, the vision of mercy and fraternity. How do we approach it? Of course, there is one way that our colleague from the BJP has placed before you. But I beg to differ from him because I know something about the history of insurgency, militancy and guerilla warfare all over the world. I was in Latin America and we know that the entire military strength and the entire fire power of the United States lent by it to the local regimes, could not suffocate insurgency, could not drive out the guerillas from the urban areas and could not quench the fire. We know it from our experience in the North-East. When we sent our forces to Nagaland, JP had correctly said, "You say that you are sending them for six months but you shall end up by keeping them there for twenty years.

What we want is a happy and free Kashmir with people breathing the air of freedom and feeling that they are part of this great country. Kashmir under occupation is not our target nor the annihilation of the Kashmiri people nor the aggrandisement of the Kashmiri territory. If that was so, then Gandhi never lived and Nehru never existed and Indian culture means nothing. Therefore, first we have to define our objectives.

There is something called Kashmiriyat to which you have referred, Mr. Minister, sometime in your past pronouncements. But are you living up to it? There is a deep sense of Kashmiri identity. You may call it ethnicity, if you like. The world today speaks about the surge of ethnicity but this deep sense of Kashmiri identity did exist even before 1947. In 1937, when the Muslim Conference of J & K was bifurcated and Sheikh Abdullah created the National Conference, in opposition to the Muslim Conference, please try to understand why he called it the National Conference. And for decades and decades, the Kashmiris have been fed on this notion, rightly or wrongly, that they are a nation and that they entered into an agreement with India. We also never said anything to the contrary. We allowed them to have Constitution of their own. Today, it is too late in the day to talk about imposing a uniform pattern of statehood on Kashmir. We have to deal with Kashmir, if we really respect Kashmiriyat, as sui generis and as a unique case. I am sure that our statesmanship and wisdom can rise to the occasion and maintain our sovereignty over that territory, called Jammu and Kashmir, and yet give them a sense of identity. Today they are feeling it has been eroded; they distrust us; they feel alienated. You yourself used the phrase 'alienation' in your speech. There is lack of confidence in the rulers of Delhi, there is lack of confidence even in the entire Indian polity. There was a time when we had giants like JP who could always be depended upon the speak up. Today, we have hardly anyone. So, the Kashmiri look at us and find no one to response to them. What shall be the basis of their confidence? How shall we restore their trust in the Indian polity in their permanent association ever-lasting association, unbreakable association with us?

We have lost many opportunities. Hazratbal incident was commendable in the manner in which the Government tackled it. I will give you full marks and you won the applause of the world and the good-will of the Kashmiris to some extent. But you frittered it away! You lost it! Hazratbal Shrine remains closed even today. And there is no political development at all to restore that sense of confidence and trust and to guarantee respect for 'Kashmiriyat' that I am speaking about. A grand opportunity has been lost! I had focused on it. Mr. Minister, if you remember, in the meeting of the Consultative Committee and I had urged upon you to go ahead and start a dialogue. You have brought in the Hurriyat people to help you resolve the crisis. Why could not you talk to them? Why cannot you formally invite them and say, "Brothers let us sit down and find a solution to this great problem." You did not do it. You stood on your ego and you lost an opportunity.

Now, how do you respond to these atrocities? By magisterial inquiries? In broad daylight, scores of people are shot down and you order a magisterial inquiry! Even Farooq Abdullah rejects it! Your last hope, your blue-eyed boy, rejects it! Perhaps, he also has an eye on the Kashmiri gallery! A magisterial inquiry is not enough. I cannot condone the crimes committed by the terrorists against the people of Kashmir. But by a same token, we should not condone the atrocities committed by our security forces. It is a blemish on our democracy. And you say that 157 officers have been taken to task. When I asked you to relate them to specific incidents, you have not given me a reply so far. And what punishments have been given to them? Transfers? You don't even order a judicial inquiry! The Chairman of the National Commission on Human Rights wrote to me that they had submitted their report on the Brijbehara incident to the Government of India. It is now for the Government of India to place it before the people. I demand that you place it before the people of India. Why are you sitting on it? I demand, you tell us what action you propose to take on the report of the National Commission on Human Rights.

Sopore in January 1991, Lal Chowk in April, Brijbehara in December and Kupwara in January 1994—these are only some landmarks on the path of atrocities. But there are many more and I do not have to recount them. We have to take them seriously. We should seriously say, "You are my brother; you are our citizen; you are my people; you are not you but me! You should feel that every woman who has been raped in Kashmir is my sister, that every man who is killed is my brother and every house that has been gutted is my house. When will that feeling come? That will come only when you take atrocities seriously and not when you are behaving in this lackadaisical manner.

We know that only a political solution can solve the problem. And for that, you require a political strategy, grand vision and a policy. But the Government has no common approach. It is sending out confusing signals. Somebody says, 'package before the elections.' Another person says, 'election before the package'. I do not know what this means! You are talking at three conflicting levels.

We have to cut out this conflict, this confusion.

There has to be something concrete—a very clear cut policy and a policy statement by the Government. You give them an economic package. Beautiful ! I will not go into the details of it. And you given them an administrative package saying that you shall cut out corruption, make officials more accessible to the people and so on. And a change of guards takes place. I will be very emphatic in telling you that to my mind no economic package and no administrative package, will work in Kashmir without a political package.

As far as the content of the political package is concerned, we must understand that the political process cannot be reactivated without a proper environment which is free of insecurity, free of fear, free of the gun, free of apprehension. I would suggest that the Declaration by the Government should recognise the spirit of Kashmiriyat; recognise the uniqueness of Kashmir as a part of India and recognise the demand of autonomy, which the Prime Minister did pay lip service to in one of his Press Statements. It should also reaffirm Article 370.

In any case, it is ironical that on the one hand we think of abolishing Article 370 and, on the other, we use it to extend the President's Rule in Kashmir! I wonder what artifice the Minister would have chosen if there was no Article 370 in the Constitution.

I even go to the extent of asking, why cannot you declare a unilateral cease fire, except in self-defence? Concurrently appeal to all the militant groups that we are prepared to discuss a political solution, on the basis of these four principles that I have mentioned, so, let us now talk, let us no longer cause any more call for an unconditional dialogue; an invitation to work out by mutual agreement the viable and feasible limits of autonomy that Kashmir can enjoy as a unique constituent of the India Union.

We have a number of landmarks. I will not go to the extent of suggesting whether we should go back to 1950, 1953 or 1975. No, it could be something else. But we have to show an eagerness and an anxiety to work out the quantum of autonomy through face-to-face negotiation.

I can only hope that wisdom will dawn on those, who are holding the reins of power, who are sitting in the seats of power vacated by great men like Jawahar Lal Nehru. I have hope, belief and faith in the collective wisdom of our people. We cannot live as a brutalised society. We just cannot be ourselves if we are brutal, it is not in our matter.

I close with a brief line again from Faiz:

دل ناامید تو نہیں ناکام ہی تو ہے
لمبی ہے غم کی شام مگر شام ہی تو ہے

A beautiful morn will dawn tomorrow, which will bring happiness to the people of Kashmir and will lessen the anguish in the rest of the country.

As Shelly said, "If winter comes, can spring be far behind?"

Since, the government have left us with no option today, after having tendered my advice, I have no option but to support the extension. As of today there is no other alternative, but I do hope before September comes, we shall indeed reach the point, when the political process can begin and even lead to elections,provided we have the courage, the will and the wisdom.

Kashmir Revisited : Autonomy As the only Solution

Today, the Kashmir Question is no longer just a legal question; it has become a moral question and a challenge to the conscience of the Indian people. It is no longer a purely national or internal question, but it has acquired an international dimension. It is no logner a law and order question but a political question. It is not a question of economic development but of psychological metamorphosis of the Kashmiri people. To that extent, *it cannot be resolved by exercises in public relations or window-dressing or political gimmicks or financial doles but hard political decisions based on moral courage and political will.*

There is no doubt about Pakistan's continuing teritorial ambitions, though it has failed to take the Valley or the State by force, in 1947, 1965 and 1971. One would not be amazed if Pakistan's strategists are prepared to fight for the Kashmir Valley to the last Kashmiri, though they may not go as far as to unleash a war between two countries to achieve this end which may prove to be suicidal.

On the ground, there is a political vacuum and the known leaders of practically all political parties and Organisations have either left the Valley or are lying low. *There is, in the final analysis, no politics, no Government and no administration in the Valley.* There is nothing to fill the void but the continuous clash of arms between the Indian security forces and the militants, trained and armed by Pakistan, some no doubt politically motivated but others no more than anti-social elements who have donned the mantle of the 'Mujahid' Both are terrorising the people with impunity. The Valley has thus become an arena of civil war; some call it, a 'proxy war' forced by Pakistan on India. Thus the people, who are increasingly disillusioned with the militants, on one hand, and totally alienated from the Indian State on the other, continue to be ground between the two millestones. What is worse is the persistent pattern of massive violation of human rigths, both by the State authorities as well as by the militants. Nothing can justify the violation of human rights by the State which exists to enforce the law and cannot, in all logic, break the laws it makes. Atrocities are piled upon atrocities. There is a daily toll of killings, abductions, rapes and tortures, call it crossfire, encounter, crackdowns, what you like. The State does not protect the citizen. One wonders if it even recognises as them citizens: For all practical purposes, the rule of law does not exist in the Valley; the law of the jungle prevails.

The Kashmir situation throws up two sets of equations; the equation between Delhi and Srinagar and the equation between Delhi and Islamabad. In my considered view, the first equation is far more important and decisive than the second, because even if India succeeds in neutralising Pakistan's assistance to the militants by imposing its will on Pakistan, or through third party intervention, but if the alienation in the Valley remains at the same level, Kashmir will continue to bleed. On the other hand, if an understanding can be achieved between the Central Government and the people of Kashmir and a reconciliation process is set in, Pakistan's capacity to incite the people of Kashmir will be drastically reduced, thus reopening the vista for normalisation. Unfortunately, India's strategy has been to use brute force and nothing but force. But no amount of force can endear it to the people of Kahsmir or restore the environment of fraternity and the sense of common destiny which led the Kashmir leadership to endorse accession to India at a time when the entire Sub-continent was seized with communal rage and conflagration. There can be no military solution.

Instead of taking behind the Instrument of Accession, whose acceptance itself was conditional upon its eventual endorsement by the people, or seeking an alibi under the non-implementation by Pakistan of the pre-conditions to a referendum in the Resolutions of the United Nations Security Council, or repeating the mantra of Kashmir being an inseparable part of the Union, the Government and the people of India have to convince the people of the Valley as to why continued association with India is to their own long-term benefit and that India is prepared to redesign the Constitutional or political arrangement to their satisfaction.

Today in the Valley, there is not much love for Pakistan and the common Kashmiri believes that Pakistan has once again betrayed them, led them up the garden path and left them there high and dry, only to face Indian bullets. He believes that Pakistan may in its own interest keep the pot boiling but will never enter into the arena or risk a war with India. He also knows that the people of Pakistan Occupied Kashmir (POK) do not enjoy any autonomy worth the name, and that POK is treated more or less as an occupied territory, or a colony, that it has remained as backward as it was in 1947, that some parts of the POK have been virtually detached from the State to be administered directly by the Government of Pakistan, that Pakistan has failed to fulfil the promise of serving as a laboratory for an experiment in Islamic governance in modern times. At the same time there is no love for India and the average Kashmiri sees his future in terms of 'Azadi'- the emergence of the State or at least of the Valley, as an independent, sovereign State. He absolutely rejects the possibility of total integration with India and he has little trust left in Article 370, which has been eroded almost to nullity, during the last half-a-century, systematically and deliberately.

From the Indian point of view, it is obvious that sovereignty over the State is not negotiable and that terrorism, indigenous or foreign inspired, is not acceptable. But influential sections of Indian public opinion believe that the Valley of Kashmir has an obvious ethnicity which in the contemporary world cannot be ignored and must be respected. It also recognises that Kashmir always had a special status in the Union, with a Constitution of its own, that Kashmir, unlike Punjab, was not a part of the national territory but became a part of the national territory, only by virtue of the Instrument of Accession, the military assistance extended by India to defend the people of the Valley against the invasion engineered by Pakistan in 1947, and therefore, Kashmir deserves a greater degree of autonomy that is or may be enjoyed by other States of the Union, which needs to be honestly redefined.

Thus the choice lies between Autonomy and Independence.

The problem however, lies in the fact that the Indian State appears to lack political will, and even the Government itself, speaks with different voices at the same-time. The Kashmir situation can only be resolved by a formal Declaration by the Government of India which firstly, envisages in autonomous status for the State, as a whole or at least for the Valley, secondly, announces a unilateral ceasefire and consequent withdrawal of the security forces from the inhabited areas, to the Line of Actual Control (LAC), the highways and the strategic installations; thirdly, repeals or denotifies black laws in operation today, thus restoring fundamental rights and the rule of law; fourthly, releases the detenues, institutes formal public inquiry into all known cases of atrocities and offers generous compensation for the loss of life and limb and for damage to civilian property; and finally invites the political leadership as well as the militant leadership of Kashmir for an unconditional dialogue with the Government, to work out the quantum of autonomy, sitting across the table. It is possible that the political leaders and militant organisations invited may not respond positively to the invitation but then the Indian State would have done its moral duty and the ball would be in their court. And surely they will have to answer to the people of Kashmir.

There is a school of thought which goes to the extent of suggesting that the right of the people of Kashmir to self-determination should be conceded as a moral and political principle, in view of the fact that this right has been acknowledged internationally and cannot be applied selectively or subjected to conditionalities. The application of the principle of self-determination has helped resolve many similar situations in contemporary Europe, for example in Spain, to deal with Basque and Catalan insurgencies. The two views can be harmonised by providing that autonomy may be supplemented by the option of Independence, after 10 years of peaceful association, provided Paksitan commits itself to respect independence.

It may be possible to convince the Kashmiris that their long-term interest do not lie in independence because as a landlocked mini-state, the Valley would inevitably become a cockpit of inter-state rivalries and conflicts, that in association with India, they would have access to much larger market, both for their goods and of their services, that the Valley is not self-sufficient in food and has no fuel resources, that culturally and religious Kashmir culture is much closer to secular India than to fundamentalist Pakistan.

A legitimate question arises whether the political arrangements envisaging autonomy for the State as a whole will be acceptable to the Hindu majority Jammu and the Buddhist-majority Ladakh. The Jammu & Kashmir State of 1947 was an accident of history. The people in the three regions of the State, not to speak of the other two regions under Pakistan occupation, have different ethnic make-up, compulsions and·aspiration. If the people of the State as a whole agree to stay together, the interests of the people of Jammu and of Ladakh can be safeguarded by instituting a regime of multilayered federalism under which Kashmir, Jammu and Ladakh become autonomous sub-States of the State of J & K. in any case, it should always be open to the people of Jammu and Ladakh to separate themselves from Kashmir and seek direct linkage with the Union. Such separation does not in any way detract from the desirability of creating a regime of autonomy for Kashmir with its well-defined geography and ethnicity and retain links with the Union of India as an Associated State. Thus both options are open to the people of Jammu and of Ladakh.

The Hindu chauvinists in India who would like to push out the Kashmiris or change the demographic profile of the Valley by demolishing the last remaining barrier in Article 370, would like to 'assimilate' the people of Kashmir, 'terrorise' them into surrender by sheer force or into silence by appealing to their pan-Ismalic sentiments, using Indian Muslims as a hostage for their good behaviour. Unfortunately they exert tremendous pressure on the formulation of policy and the action of the bureaucracy. There are also military strategists who thinks that Pakistan can be neutralised and the revolt in the Valley can be quelled apart from its impracticability, this approach is devoid of any sense of fraternity towards the people of Kashmir. There is no reason to think that such a colonial approach by the Indian State could work, where bigger powers and empires have failed.

Kashmir question can only be resolved on terms of equality and mutual benefit, compassion and generosity, if the Indian State is prepared to admit its political sins and strategic mistakes, and make a heart-to-heart appeals to let bygones be bygones and to begin a new chapter of peaceful interaction with mutual trust against a repetition of the cycle of erosion, alienation and suppression, with its human cost.

1 October, 1993
New Delhi **(Syed Shahabuddin)**

'AISWARYA'
Vasanth Nagar Colony Road
Palarivattom P.O.,Cochin-25

S. Gopakumaran Nair
Advocate & Member
Bar Council of india

Shri M.G. Chitkara
Vice Chairman
H.P. Administrative Tribunal

Date: 3.9.94

Dear Sir,

Received your letter dtd. 17.8.94, sorry for the delay in replying to you.

I am of the opinion that Kashmir problem is the creation of the hypocratic politics and pseudo-secularism, pursued by our national leaders in the post-independent era. Anybody with elementary knowledge about statesmanship could have foreseen that when an independent State (Pakistan) has taken birth just across our Border, founded on the basis of religion and proclaiming itself as an Islamic nation, it will gradually pose a threat to our independence and integrity if we permit concentration of Islamic population in our States, bordering the above foreign country. Many of our intellectuals with far-sight and vision had warned our national leadership against the potential danger of playing and pampering minority poilitcs in the border States. But, for the career politicians of India, building up their image even at the cost of our National interest was the Primary motive and in the process Kashmir became a sore which later developed as ulcer in our national polity.

Even now the solution opened to India is to encourage our citizens belonging to all religions and creed to migrate to Kashmir Valley, procure land and settle there by creating a cosmopolitan culture and atomsphere in that State. Government should give all and other help to encourage such migration. At the same time Government should expose Paksitan's role in spreading terrorism in the State and deal with such terrorists sternly and ruthlessly with our Military and with the help of the local population. Simultaneously, Government should continue the dialogue with the Indian extremist organisations and try to disaffiliate them from the Pakistan sponsored terrorists. Islam being a fundamental and militant religion, we should seek the help of the pro-Indian religious heads and chieftains of Islam in dissuading the Indian citizens in Kashmir from falling a prey to the Pakistani plot. Even now, I feel, it is not too late to recover our almost lost dream land from the foreign clutches, provided there is necessary will and sincerity for our Politicians. Otherwise Kashmir will turn to be, as you said, the acid test for the Secular India.

Yours faithfully

Sd/-
(S. Gopakumaran Nair)

Phone 204249

St. Michael's Cathedral

Administrator

Ripon place,
SHIMLA-171001
Himachal Pradesh
India.

Date.....

The two nation theory the scapula that vivisected our motherland continues its pernicious designs even after nearly half a century. The mutual suspicion and hatred generated by the partition find its horrendous expression today in the unfortunate conditions prevalling in Kashmir which Shri Chitkara aptly christens "Kashmir Imroglio".

In his book "Kashmir Imbroglio : Diagnosis and Remedy" Shri Chitkara makes a laudable attempt at identifying the cause of the problem, analysing its ramifications and finding a solution based on pragmatic realism and mutual interest. I am sure that this book will be a source of inspiration for the thinking section of our country and the vexed leadership that has hitherto found no solution to this probelm.

Kashmir problem has claimed tens of thousands of innocent lives and created untold misery for millions. A mutually acceptable solution suggested by Shri Chitkara will certainly herald a new era of peace, prosperity and stability in the sub-continent.

My most sincere and prayerful wishes for the speedy realization of Mr. Chitkaras vision and fruitful and positive result of his noble endeavour.

By Rev. Fr. Thomas Accbanikal
Administrator
St. Michael's Cathedral
Ripon Place, Shimla-171001

Ph.: 232420
225592

Tara Kant Jha
Member Bihar Assembly

Buring Canal Road
Patna
Sept. 8th, 1994

Former Advocate General
Bihar

I am happy to read the book "Kashmir Emroglio : Dioagnosis and Remedy" written by Shri M.G. Chitkara, an outstanding personality among the members of Bar of Himachal Pradesh. He has been master of facts and apt in applying the law to those facts.

While writing the book he has shown how the problem of Kashmir has been managed and mismanaged. Different chapters under which the book has been presented, themselves indicate how much labour the writer has put in. Problem of Doda, which has been developing for the last 3 years has also been included in the book which clearly indicates that the writer wanted to present entire Kashmir problem in the right perspective with latest development.

The writer has passed a very serious question as to how the relationship between "Bharat" and "Pakistan" can be improved. I hope the complete answer will follow in his next book. Dr. Ram Manohar Lohia advocated federation of the two countries and there are good number of people who want complete unification. Rightly the writer has not gone to the final conclusion on that subject as the present book analysis the problem and solutions of Jammu and Kashmir. I really wonder how Shri Chitkara could find out so much of time and energy in collecting massive facts and put in a book form. I envy him. I hope persons connected with political party, public life and serious research scholars will get ample material in the book.

Sd/-
(Tara Kant Jha)

T.U. Mehta
Senior Advocate, Supreme Court

'Sidharth'
3, Dada Rokadnath Society,
Nr. Narayan Nagar Bus Terminus,
Paldi-Ahmedabad-380 007

Retd. Chief Justice
Himachal Pradesh High Court,
Shimla

July 18, 1994

My dear Chitkaraji,

Thank you very much for inviting my views about the solution of Kashmir problem. It is difficult to express any considered opinion about a problem without having any intimate study of the necessary data. The only material which is available to us is through press reports which can not supply a proper basis for forming a studied opinion.

However, there are some basic facts about the Kashmir problem which can never be ignored in forming any opinion about Kashmir. These are:-

1. Geographically strategic importance of the State which is surrounded by India, China, Afghanistan and Pakistan all of the last three of which are, at present, expressly or potentially hostile to India.

2. Kashmir is a land locked territory which has to remain permanently dependent upon either India or Pakistan for its communications with the outside world.

3. Kashmir is itself divided into three main regions, namely, Jammu area, Ladakh area and Valley area. These divisions have distinctive features not merely topographically, but also linguistically, culturally, socially and even politically.

4. Pakistan can not have any claim over Kashmir for several reasons, the principal reasons being:-

(a) Even before the partition of the country the people of Kashmir were never with Muslim League or its leaders like Mr. Jinnah.

(b) Accession of Kashmir with India was legally and morally complete.

(c) Position of Pakistan in relation to Kashmir has been that of an invader and an userper.

(d) that claim of Pakistan over Kashmir is based purely on the basis that the majority of the Kashmiri people is

Muslim. India has never recognised her partition on the basis of religion, and it is against all notions of political and democratic theories to decide the questions of nationhood on the sole basis of religious beliefs of the people of an area.

(e) If Pakistan's claim over Kashmir on the basis of religion is accepted, then Kashmir itself will have to be divided into three parts namely, Jammu, Ladakh and the Valley.

For the above reasons Pakistan's claim should be summarily rejected, and she should be nowhere in the picture about Kashmir solution.

These are the basic facts about which there can be no controversy. If the matter is sought to be decided on these basic facts, only two alternatives are indicated. They are : (1) The whole of Kashmir, including the Pak occupied area should remain with India. (2) Plebiscite be taken to decide which part of Kashmir wants to form an independent State or its merger with India.

So far as the first alternative is concerned, it is not possible to achieve the same without a fresh war with Pakistan and China because a part of POK territory is handed over by Pakistan to China for building a strategic road.

The second of the above alternatives would be suicidal to the people of the valley if they decide to form an independent State for various reasons such as political, social and economical. Such a truncated independent State would not be viable and would be a cock-pit of international politics, and a source of constant trouble to India.

In view of above, the only rational solution is to recognise the present line of actual control as the international boundary subject to necessary adjustments. This will suit even to China because it is against the interest of that country to have an independent State of Kashmir which would be a poor and a week satellite of U.S.A.

I hope this finds you and your family in good health. I congratulate you for undertaking a study of this type and coming out with a publication of great international importance. I wish you all success.

Sincerely yours,

Sd/-
(T.U. MEHTA)

Yagya Dutt Sharma
Ex-Governor Orissa

July 4, 1994

Brother Chitkara Ji,

Received your letter dated 28th June, 1994. I congratulate you on bringing about your book "Kashmir Imbroglio-Diagnosis and Remedy".

In my view the learned people who are affiliated with the politics should continue contributing their thoughts and writing on national issues.

I have gone through the chapter-wise gist of the book which speaks for itself about the remedy on Kashmir issue.

To make more complicated our national problems the gimmick policies adopted by our Government just for political gains is the main reason and the result is that not only the Muslim countries are now questioning the Kashmir issue but the Anti-Indo policies being adopted by the United States of America is making the issue in question more complicated.

Yours,

(Yagya Dutt Sharma)

Shri Madan Gopal Chitkara,

Dr. Radha Raman Shastri
M.A.Ph.D
Former Education Minister
Himachal Pradesh.

Shastri Bhawan,
Devnagar,
Shimla-171009.

Nature has made Indian Sub-Continent a compact geographical, cultural and economic unit. The people living here are one. The partition of the country on the basis of two nation theory and on religious basis was and has been wrong. The Kashmir problem is an outcome of the partition of the country.

Mr. M.G. Chitkara the author of "Kashmir Imbroglio : Diagnosis and Remedy" is justified in emphasising that Kashmir on accession became the integral part of India. One third of Kashmir is in forcible occupation of Paksitan and unfortunately major chunk of Kashmir territories-Aksai Chin and Siachin etc., have been occupied by China which was never our neighbour in the recorded history. Such an illegal occupation of Indian territories is because of impearialistic design and expansionist policy of China.

The answer to the problem lies in the Unification of the people of India and Pakistan. Yossef Bodansky, Director of the high profile U.S. Congressional Task Force on Terrorism and Unconventional Warfare recently answered to a question regarding Independent Kashmir:-

> However, India has a very competent bureaucracy and a prudent government and it is difficult to see why they should relinquish Kashmir. It does not make sense to relinquish Kashmir. There are vital Indian interests involved. Giving up Kashmir would mean lot more trouble from the security and other viewpoints, than holding on, no matter what the rest of the world might say about human rights and all that. The loss of Kashmir would have such an adverse impact on Indian national security and national pride that no government in India can afford to take the easy way out that is to leave Kashmir.

In the long past history, Indian Sub-Continent, Kashmir has always been an integral part of our nation. The need of the day is to mobilise the world opinion about the false propaganda of Paksitan and to make it known to the world that every Government in Paksitan makes the "Kashmir Issue" just to save the Government of the day and by befooling the people of Paksitan every Government tries in their country to befool, mislead and detract the people from their right path. I fully agree with Sh. M.G. Chitkara, the author of the book that not only the people of both the countries but also whole of the world is to be apprised of factual position and Indian should work earnestly, honestly and dedicatedly to unify the people of both the Countries so that they come nearer and nearer emotionally and understand the real problem of the sub-continent, in the best interest of the people.

Sd/-
(Radha Raman Shastri)

Dr. S.D.S. Charak

Solution to Kashmir Problem

What is Kashmir Problem?

An extremist section among Kashmiris has taken up arms against India under the patronage and active support of Pakistan in the form of supply of arms and training in militancy, and propaganda in international field in their favour and against India to boost up Kashmiri militants. Some other Muslim and non-Muslim countries are in sympathy with the cause of Kashmir militancy and some countries are secretly in league with them.

Under the grave situation created in J&K State by the sanguine activities of armed militants, different sections of them, their sympathisers and ambitious Kashmiri leaders like Farooq Abdullah, Lone, Shabbir Shah, demand different concessions from Indian Government. A section of militants would accept nothing short of complete cesession from India and independence for Kashmir. The pro-Paksitan section of militants also stress the right of Kashmiris to secede from India and accede to Pakistan. The ambitious Kashmiri leaders want to fish in the troubled waters, demand greater autonomy for Kashmir, reversion to pre-1953 position of J&K State and the retention of Article 370 which people of Jammu and Ladakh wish to be abrogated. Jammuities and Ladakhis demand Regional Autonomy for all the three Regions of J&K State.

Faced as it is with such a serious and intricate situation the Union leadership is trying to curb and smash militant insurgency on the one hand and to gain time which weakens militancy somehow, as happened in Punjab and north-eastern States. The end of insurgency may ease but will not solve Kashmir problem. Even proposed elections whenever held, will not do. A solution has to be sorted out. But how and on what terms? are some questions answer to which can be properly found out in the light of political and other developments in J&K State since its accession with India. These are described below in brief, before any solution emerges or is suggested.

Accession

The year 1947 marks an important milestone in the history of the State of J&K. On the 26th day of the month of October 1947, the then princely State of J&K became an integral part of India through the Instrument of Accession signed by the ruling Maharaja in terms of the India Independence Act, 1947. Signing of the Instrument by the ruler was the only Constitutional means because the power to accede was vested solely with the Maharaja. The accession of J&K into Indian Union is .unequivocally irreversible, final, irrevocable and constitutional.

Pre-1953 developments

In order to have a clear perception of Pre-1953 position one can't ignore Sheikh and his antecedents. Sheikh Abdullah had cherished the dream of an independent Kashmir from the very beginning. He embarked on his political career with all the clarity but tried it with care. He was a leader of Kashmir and Kashmir was the key-note of his politics. He founded Muslim Conference in 1932 to achieve his aims and converted it into National Conference in 1938 which was a mere change of strategy with his eyes fixed on his goal of independent Kashmir. Since Sheikh's sole concern was Kashmir and he, therefore, confined his activities to the Valley. Coupled with the religious appeal he exploited Kashmiriat to the hilt and waged agitation after agitation against the Princely ruler of the time thus building up Kashmiri movement in the Valley. The connotation of his Quit Kahsmir slogan in his 1946 movement against the Maharaja shows Sheikh's vision of a full-fledged independent Kashmir in his mind and after ousting the the ruler (perceiving him as an alien) in the manner the Congress had the vision of an Independent India envisaged by Quit India Movement against the British. As a consequence, Congress and its leader (Pt. Jawaharlal Nehru) lent support to Sheikh's separatist movement, and authenticated his separatist politics and gave it a dangerous respectability by ignoring the wise counsel of towering statesmen like Sardar Patel, Dr. Radha Krishanan, Dr. Rajinder Prasad and others.

Fall out of this blunder was the debacle that followed. Sheikh posed a series of threats to the Indian Nation. He became unruly horse by acquiring unbridled power and doing all he could to implement his political designs; succeeded in doing away with the Maharaja, convening of the J&K Constituent Assembly, adopting a separate flag for J&K instead of National Tricolour, an elected Head of the State in contrast to the President's nominated Governor, and above all the Sheikh had the audacity of questioning the finality of the accession itself and openly defying the national leader Pt. Nehru. Consequently, the 1952 Delhi Agreement culminated between the Indian Prime Minister, Pt. Jawaharlal Nehru and the State Prime Minister, Sheikh Mohd. Abdullah. The agreement provided for excessive autonomy under the cover of Article 370 of Indian Constitution. This agreement enabled Sheikh to build his fiefdom. He became unmanageable. He did not mend his anti-India ways. His political utterances sent clear signals of secessionist moves. Ultimately he was dismissed and arrested.

Post-1953 Period

This dismissal of the Sheikh in 1953 ushered in a new era—an era of hope, an era of more closeness with India, an era of strengthening the State-India ties. The lesson had been learnt and the old Kashmir policy reversed. A more realistic perception came into play. From 1954 to date thirteen steps have been taken to extend various provisions of the Indian Constitution to the State of Jammu and Kashmir, *viz.*, through 1954 Presidential order financial integration was effected. The operation of Customs, Central Excise, Civil Aviation, Posts and Telegraphs were extended. In 1958 All India Services-IAS and IPS-were introduced in the State. Functions of Comptroller and Auditor General were extended. In 1959 the legislative entry relating to census was applied as a result of which the Census of 1961 could for the first time be conducted under the Central law. In 1960 Supreme Court was given the power to give special leave to appeal from the decisions of the High Court of J&K. The elections to either House and the resolution of doubts and disputes relating to them were placed under the supervision of the Election Commission of India, although they continued to be conducted according to the laws of State Legislature. In 1964 Articles 356 and 357 of the Constitution were applied to the State (*i.e.,* President's rule). In 1965 a number of Legislative entries relating to the welfare of labour, trade unions, social security and social insurance were applied and a number of Central labour laws were extended. In 1966 the provisions of the Constitution relating to the elections of the representatives to Lok Sabha were applied. In 1968 entry 72 of the Union list was applied in a modified form in relation to the appeals to the Supreme Court from the decisions of the State High Court in election petitions. In 1969 Article 248 and entry 97 of the Union lists (relating to the residuary powers of the Legislature) of the Constitution were applied in modified form and as a consequence, the unlawful activities (Prevention) Act, 1967 was extended subsequently. In 1986 Article 249 was extended. Chartered

Accountants law, Coinage Act, Companies Laws, Comptroller and Auditor General Act, Conservation of Foreign Exchange and prevention of Smuggler Activities Law, Contempt of Courts Law, Customs Law, Copyright Act, Dangerous Drugs Act, Delimitation Act, etc., have been extended to the State of J&K from time to time to date (in all 337 laws).

It is a matter of immense interest to note that even after assuming the reigns of administration of the State in 1975 (lasted till his death in 1982) by Sheikh Mohd. Abdullah about 21 Central Laws were extended to the State of J&K. The Sheikh who always cried for the withdrawal of Central Laws realised the importance of such laws for the welfare of the people of State himself became a party to their extension. It is further surprising to note that Sheikh constituted an expert committee headed by Sh. D.D. Thakur to review the application of Central Laws in the State of J&K and to recommend the repealing of those which did not suit Sheikh's ill designs. This Committee, *inter-alia*, did come to the conclusion that these central laws were for the welfare of the people of the State as these laws brought the populace of the State in main-national stream, and hence their deletion was recommended to be undesirable and against national interest.

Implications of Reversion to pre-1953 Status

The restoration of Pre-1953 status would be a great challenge to the people of Jammu and Ladakh. It would mean not only the negation of 40 years' efforts of the people of the State to bring in democratic and secular traditions by the adoption and extension of over 330 central laws duly ratified by then State assemblies but it will also be a highly retrograde step towards annulling the progressive march of the people and will amount to entrusting the fate of the unwilling people into the hands of fundamentalists, terrorists and rank communalists. Such a course is fraught with many dangers and disabilities. To mention only a few glaring ills of such a step the jurisdiction of Supreme Court would be set aside which will annul its power to review the verdict of the High Court and other correlated matters, with the objective of fair play as available to the rest of the agrieved citizens of India involved in litigation. The operation of Articles 356 and 357 of the Indian Constitution would cease to have jurisdiction over the State and would lead to glaring Constitutional and legislative anomalies and chaos. It is the extension of these articles (Article 356 and 357) to the State that has made it possible for Presidential intervention in the larger interests of the State and the country and for the safety of the people of the State or any of its sections against oppressive and harmful actions and legislation by the State Government. The withdrawal of these articles will result in dictatorship and even theocracy and autocracy of the powerful junta who could amend State constitution to suit their ambitions. One shudders to think of the disastrous consequences besides complete break down of the Constitution if these articles are abrogated. Present terrorist activities abetted by Pakistan would not have permitted free and fair elections and it would spilt blood all over the State and people would have been enslaved by a band of armed fundamentalists aided by foreign powers and would have bled profusely without any hope of redress, and the national government would have been rendered as a helpless spectator to the drama of bloodshed. Security of the borders would have been exposed to the bellicosity of the hostile neighbour causing disintegration of the country. Such would have been, and can be, the repercussions of the abrogation of a couple of articles of the national constitution in the State.

Reversion to pre-1953 position would mean abrogation of these articles and over 330 central laws. It would to entrusting the innocent people of the State to almost mad fundamentalists with unlimited, yet unchecked power to do evil. The militants have exhibited the worst fundamentalist spirit verging on insanity, as also an unmistakable anti-India and pro-Pakistan stance. The forces who are responsible for creating the present situation in Kashmir Valley have, in spite of the operation of central laws and articles 356 and 357, betrayed their hidden motives by getting cleared by State assembly such a heinous measure as Resettlement Bill intended to rehabilitate millions of Pakistanis in Jammu region from which a large chunk of Muslim population migrated to Pakistan at the time of partition of the country in August 1947. It is the operation of the Central Laws that saved the situation. The same Bill is still lying with the Supreme Court for final adjudication. At the same time a private resolution was presented in the Assembly proposing to declare Jammu and Kashmir and Islamic State to be ruled as per dictates of the Nizam-i-Mustafa. It was not considered by the Assembly probably out of fear of strong reaction in the Country.

But if pre-1953 position is restored, these two and several similar legislative measure will surely be on the envil considering the bigotted and communal as well as separatist ideology of the groups and leaders with whom the Central leadership proposes to hold talks over and above the heads of the people of Jammu and Ladakh, including, Hindus, Gujjars, Jammu Muslims, Buddhists, Christians and Kashmiri Pandits.

Worst of all, the restoration of pre-1953 status, abnegating Articles 356 and 357, and jurisdiction of Supreme Court over State and other such Central laws, the judiciary (High Court) in the State would lose independence and would become a hand-maid of the executive, *i.e.,* Chief Minister and his cabinet, who will then rule the roost in J&K and thus drive the innocent public like sheep and goat in absence of any super agency to check them and provide redress to peoples's grievances. Such supremacy of the bureaucracy over judiciary (nowhere to be seen in any democratic set-up in the world) will lead of theocratic autocracy, totalitarianism and dictatorship worst than any which has ever existed anywhere in the world. This, however, will be a natural corollary of such a retrograde step.

This also would lead to an abrupt disintegration/secession of the State at any further date, even if disintegrating forces are some how kept yoked to the Union of India at present. What our ardent protagonists of secularism would say in this matter and what 'secularism' would then imply? It would also mean, limited accession in the three subjects only—defence, communications and finance (that too without power to check). The subsequent bound of the fundamentalists would be complete secession unless a strong military action of Indian security foil it in time.

Such a course in future by militant fundamentalists is no longer anybody's guess work. It is their declared policy, and they have publically decided to re-draft the Constitution of J&K throwing over board the present one. The militant outfits have already appointed the retired Chief Justice of the State High Court Mr.Mufti Baha-ud-din as Convenor/President of the proposed Constitution Committee to draft such a Constitution. They intend to pressurise central leadership with the aid of Muslim countries and the interested countries to come to terms with them on the conditions of nullifying Instrument of Accession and recognition of their draft constitution, maintaining relation with India, possibly on pattern of Bhutan or the new confederation of Russia.

Before bowing down to such international pressure the central leadership should keep in mind the accession of native States to

Indian Union, including J&K State, is final and irrevocable. Even J&K State Constituent Assembly, while drafting J&K State Constitution has passed a resolution to the effect that accession of the State to India is irrevocable and final. And it should be noted that Sheikh Mohd. Abdullah, Mirza Afzal Beg and Maulana Muhammad Sayed Masoodi were present and witness to this resolution, along with other members of the Constituent assembly as representatives of the whole population of J&K.

Any challenge to accession and apathy shown by Central leadership towards any such move, will open pindora's box of problem for the Centre. May it not encourage the ruling families and people of 600 States who have willingly acceded to Indian Union, to claim those prerogatives as will be offered to Kashmir. Such a solution of Kashmir problem will give birth to at least six hundred problems in addition to recreating chaos in the Punjab and States of North-East India.

Grievances of Jammu People

Some endeavours appear to be underway to meet the aspirations of militant Kashmiris. It is time those handling J&K affairs review the October 1947 Pandit Nehru's politically unsound decision to let Kashmiris alone rule Jammu and Ladakh and devise some foolproof mechanism to settle once for all Jammuites well-founded claim to parity with Kashmir in the State's politico-economic process. The grievances of the people of Jammu are manifold and deserve a wise, immediate and patient consideration.

Almost everyone agrees that the story of Jammu's alround neglect commenced with the advent of the "Valley-Centric" NC rule in October 1947. Forty-seven years since then have meant a nightmarish experience for Jammuites. During this period of "Legalised colonialism", rulers from across the Pir Panjal dealt blow after below to the polity, economy and identity of Jammu. A pathological indifference towards Jammu and a burning desire of the ruling clique to exploit it acted as dominant factors.

There is ample evidence to substantiate the charge that right from 1947, political power, decision-making, administration at higher levels, location of prestigious institutions and factories, better deal in matters relating to employment and funds for development have become the sole preserve of Kashmiris.

The political domination of Kashmir is evident from the fact that the Chief Minister is always from the valley and so is the leadership of major political parties. The excessive and preponderant share of representation to Kashmir is discernible in the assembly and parliament. Kashmir has 15, 853 sq. km. land area as against 1,22,994 sq. km. of Jammu and Ladakh and half of the State population. But it has 42 seats out of 76 in the assembly, leaving 32 and 2 for Jammu and Ladakh, respectively. While Kashmir returns one member for every 72,000 residents, Jammu returns one for every 84,113. It is no wonder that Election Commissioner T.N. Sheshan rejected the September 28, 1992, Delimitation Report as a "deceitful, fraudulent document." As per the Report, Jammu was to get 36 compared to Kashmir's 46 seats.

Jammu is also poorly represented in the State secretariat with only about 2 secretaries out of about 35 and only about 10 per cent in the rest of services. While about 40 per cent officials in Jammu region are from the Valley, employees from Jammu region do not constitute even 2 per cent of total in Kashmir.

Almost all professional and technical institutions, including Sher-e-Kashmir Institute of Medical Science, dental college, agricultural University, regional engineering college, artificial limb centre and physical training institute, are located in the valley. Jammu's share in these institutions is just negligible. On the other hand, the agricultural and ayurvedic colleges in Jammu have been closed down by the State Government despite protest by the people of Jammu.

Similarly, all major factories such as the HMT Watch Factory, the television, the telephone and the Cement Factories, are set-up in the valley. The youth of Jammu find virtually no employment in the 12 corporations, whose headquarters are in the valley. The opportunities have diminished with the transfer of professional institutions like the veterinary and dental colleges, which were earlier sanctioned for Jammu, to Kashmir.

No attention is paid to develop tourism in Jammu. About 95 per cent of the State's tourism budget is spent in the Valley every year, even though tourists who come to Jammu are four times more than those going to Kashmir. Power generation, too, is grossly neglected in Jammu region.

Statics, relating to rural electrification and roads development indicate the State Government's systematic neglect of Jammu region. In five out of six districts of Kashmir province, no less than 95.5 per cent of villages have been electrified. On the contrary, electrification averaged 70.4 per cent in Jammu division. As regards road length, until 1987, Jammu had 3,500 km. of roads covering 18 per cent of its area compared to Kashmir's 4,900 km., servicing 40 per cent of the Valley.

About 80 per cent of State's budgetary requirements are met by the centre. It is a fact that most of "Rs. 100,000 crores" in total assistance from New Delhi has been "utilised" by Kashmiri rulers for Kashmir's development. In the Prime Minister's Special Assistance Programme of 1986, for example, Jammu got just Rs. 15.5 crores which was about 8 per cent of the total aid of Rs. 179.73 crores, the remaining being utilised in Kashmir.

The people of Jammu have been protesting against these inequities since mid-1960s. The message was so loud and clear that the government had to appoint in 1967 a commission to look into complaints of regional imbalances and prime cause leading to animosity and rancour in the three regions. This was headed by Justice P.B. Gajendragadkar. However, it was in 1978-79 that the protest against Kashmiri domination took a particularly violent turn. Poonch was the most disturbed district where atleast six student protesters had fallen to police bullets. The immediate fall out was the appointment of another commission in June 1979 under Justice S.M. Sikri.

Both these commissions acknowledged in clear terms Jammu's "unequal" share in the State's politico-economic processes and suggested a few remedial measures like the setting up of a State development board and three regional development boards for Jammu, Kashmir and Ladakh. But the Valley-based leaders cast aside all the suggestions and dismissed Jammu's persistent claims to equitable share in political power and economic opportunities. Instead, they sought to discontinue the century-old practice of Durbar move from Jammu to Srinagar and back and set up the State secretariat at Srinagar permanently. Had the people of Jammu not reacted violently and launched an impressive agitation, Dr. Farooq Abdullah would have pushed through this ill-conceived measure in 1987. The fate of the Wazir Commission, which recommended the setting up of three districts of Kistwar, Reasi and Samba, has been no different.

The outcome of consistment discrimination is widespread discontent, frustration and anger. But it appears that those who matter have resolved to ignore Jammu yet again and confer what Home Minister S.B. Chavan terms as "greater autonomy' on the State in their desperate bid to win Kashmiri Muslims. Such approach to Kashmir problem will prove self-defeating. The rulers in New Delhi must not overlook Jammu's unequivocal warning that no formula would meet the real requirement of the situation if it does not satisfy Jammu, which under the existing set up, has no political and economic powers.

No solution will restore peace or prove durable unless people of Jammu and Ladakh are simultaneously pacified alongwith Kashmiris. Ladakh is already in turmoil and have demanded autonomy to escape dominance of undemocratic Kashmiri fundamentalists enamoured of Nizam-i-Mustafa which even Muslim countries like Pakistan, Bangladesh and Iran frown at. People of Jammu may also be forced willy nilly to adopt gun-culture if ignored in any settlement over Kashmir. In fact it should not be a settlement only with and over Kashmir, but a settlement with Jammu and Kashmir and Ladakh, all the three equal parterns as units of this composite State.

Solution

It is, therefore, prudent to understand two facts clearly and specifically while negotiating a settlement with the militants. First—The valley does not constitute the entire State. There are other shades of opinion in the State. There are at least five other parties involved in any solution whose rights and interests have to be reconciled. These are the people of the three regions of Jammu, Kashmir and Ladakh. Fourth is the large community of Kashmiri Pandits who have been forced to leave their hearths and homes in the Valley and taken shelter in Jammu and other parts of the country.

It is a pity that this community has been exiled from their homeland like Palastinians, not by any super power, but by Union Government's pampered rank communalists under the very nose of the secular government. Should Union leadership shake hands with separatist fundamentalists in Kashmir without resettling Pandits in their Kashmir homes? The fifth is the nationalist population of the Valley some of whom have, out of fear of militants, shifted out of the Valley and taken shelter with their relatives or made their own arrangements in Jammu and elsewhere.

It is, therefore, in the logic of things to conclude that the militants in the valley do not represent the entire population of Jammu and Kashmir State but form only a microscopic section consisting of fundamentalist elements inspired and aided by Pakistan. Hence, it is outrageous to negotiate for the entire State with this section representing Pakistan.

Secondly, the extension of more than 300 central laws was done with the specific objects of bringing the State in the national mainstream. So anything that has the potential to revert the clock after 40 years, ought to be avoided and no effort made to reduce the two generations nurtured in democratic environment since 1953, into serfs and slaves of Kashmiri communalists and fundamentalists.

Keeping in view the above two facts a solution of the problem emerges on the following lines :

Firstly, foreign abetted militancy should be curbed and wiped out entirely from the Valley and Doda district with a strong hand under a time-bound programme and with the help of all categories of security forces, taking advantage of experience against militancy gained in Punjab and elsewhere. A relentless action in this field is necessary till normalcy is restored in the State, ignoring all foreign criticism and international howling. India should look to her own national interests as do China or U.S.A. or Britain.

Secondly, all government departments including all branches of J&K Police and education be screened forthwith and those militants and their harbourers and abetttors who have infiltrated in various ranks, be dismissed and brought to book. It is a well known fact that several government servants, including even those of higher cadre, are not only in league and sympathy with militants, but have undergone brainwashing in schools run by fundamentalists in the Valley, and they safeguard militants interests at the cost of government funds and discipline.

Thirdly, aspirations of all the three regions for constitutional rights, independent of each others predominance, be recognised. The Kashmiri Pandits' right to go back to the Valley by conceding to them their demand for a safe residence in part of the Valley be considered. These steps should be publically announced in order to take wind out of the sails of militants and Pakistani politicians, and set at rest the mechinations of some foreign powers for weaning away Kashmir from India.

Such decisions, if arrived at, be declared, broadcast and brought out of the purview of the powers of all coninents so that they realise the real perspective of so-called Kashmir problem and place the militants in the right perspective and judge their fractional position *vis-a-vis* other forces in Jammu and Kashmir State. So far our national leadership have failed to place militants in the proper perspective and gave wrong signals to world powers as if the militants were the entire J&K State, or at least the Valley. It needs to be countered by projecting world-wide the other parties to the problem, and this can best be done through action suggested above, relegating the militants to their positions of rebels and anti-nationals left to be dealt with by security forces.

The announcement of such a package programme will not only pacify the nationalist forces in the valley, but also isolate militants and fundamentalists which fact will make their destruction easier.

Finally, all the three regions—Jammu, Kashmir and Ladakh—being geographically, culturally, linguistically and historically separate from each other (only recently, in 1846, joined to Jammu to form the composite political entity called Jammu and Kashmir State) be declared independent of each other with their own separate regionally elected bodies with full legislative, financial and administrative powers like legislatures of other States, all powerful in their respective regions. Some semblance of unity of Jammu and Kashmir State, however, may be maintained by retaining one governor, one High Court (to which 1 or 2 judges are appointed from each region and the remaining being inducted from outside the State) and Inter-region Hydro-Electric Projects Commission, even one Chief Minister with limited powers compatible with the autonomy of each region, and the like. Details of such a system may be worked out on the basis of Centre-State relations already incorporated in the Indian Constitution, here the emphasis being on the fact that each region remains free from the dominance of, and exploitation by, the other.

It may be pointed out that democratic election will not now solve the Kashmir problem and abet the situation. I fear it may rather assist in spread of militancy in other regions. That is the Jammu and Ladakh people may also seek arms and adopt bonb culture because elections are no solution of their problems. They have seen many elections and constantly suffered neglect and discrimination. The proposed elections will prove no better for them. Rather these will be worse for them. It is strange that our central leadership looks at J&K election as a gate of paradise for them, while Jammu and Ladakh people view them a would be veritable hell. Without proper settlement with people of all the three regions, peace and integration will elude our leadership and they are likely to face more complex and intricate problems and thereby prolong the agony of the people of the State.

Sd/-
(DR. S.D.S. CHARAK)

(ii) A Brief Chronological history of the various Constitutional changes which took place in the State of Jammu and Kashmir.

26-10-1947.	His Highness the Maharaja of Jammu and Kashmir in a letter addressed to His Excellency the Governor General of India offered to accede to the Dominion of India.
27-10-1947.	The Governor General accepted the offer.
5-3-1948.	H.H. the Maharaja of Jammu and Kashmir issued a proclamation forming a responsible Government of a Council of Ministers headed by the Prime Minister which was to take steps to constitute a National Assembly based on adult franchise to form a separate Constitution for the State...
20-6-1949.	Maharaja Sir Hari Singh entrusted his legislative, executive and judicial functions to his son, Yuvraj Karan Singh for a temporary period.
25-11-1949.	A proclamation was issued by Yuvraj Karan Singh directing that the Constitution of India to be adopted by the Constituent Assembly of India be adopted by the Constituent Assembly in so far as it was applicable in Jammu and Kashmir in order to govern the relationship of the State and the contemplated Union of India.
26-11-1949.	The Constitution of India was adopted and on the same date certain provisions came into force.
26-1-1950.	The remaining provisions came into force.
26-1-1950.	The Constitution (Application to Jammu and Kashmir) Order, 1950 was made by the President.
20-4-1951.	The Maharaja of Jammu and Kashmir issued a proclamation in pursuance of which the Constituent Assembly of Jammu and Kashmir was convened on November 5, 1951.
10-6-1952.	The basic Principles committee of Jammu and Kashmir Constituent Assembly submitted the

interim report to the Constituent Assembly and recommended that-

(*a*) the form of the future Constitution of Jammu and Kashmir shall be wholly democratic;

(*b*) the institution of hereditary Rulership shall be terminated; and

(*c*) the office of the Head of the State shall be elective.

17-10-1952. The Maharajah's son Yuvraj Karan Singh took over as Regent in 1950 and, on the ending of hereditary rule was sworn in as Sadar-I-Riyasat.

The Constituent Assembly by a resolution adopted these recommendations. The following part of the resolution is relevant:

"However, therefore, in pursuance of the resolution dated June 12, 1952, and having considered the report of the Drafting Committee, the Assembly resolves:

(1) (*i*) that the Head of the State shall be the person recognised by the President of Union on the recommendations of the Legislative Assembly of the State;

(*ii*) he shall hold office during the pleasure of the President;

(*iii*) he may, by writing under his hand, addressed to the President, resign his office;

(*iv*) subject to the foregoing provisions, the head of the State hold office for a term of five years from the date he enters upon his office;

Provided that he shall, notwithstanding the expiration of his term, continue to hold the office until his successor enters upon his office;

(2) that the recommendation of the Legislative Assembly of the State in respect of the recognition of the Head of the State specified in sub-para (1) of Paragraph 1, shall be made by election;..............

(3) that the Head of the State shall be designated as the Sadar-i-Riyasat.

14-5-1954.	In exercise of the power conferred by clause (1) of Article 370 of the Constitution the President with the concurrence of the Government of the State of Jammu and Kashmir, made the Constitution (Application to Jammu and Kashmir) Order, 1954. It superseded the Constitution (Application to Jammu and Kashmir) Order 1950.

Under Article 361, after clause (4) the following clause was added, namely:

"(5) The provision of this article shall apply in relation to the Sadar-i-Riyasat of Jammu and Kashmir as they apply in relation to a Rajpramukh, but without prejudice to the provisions of the Constitution of that State."

To Article 367 was added the following clause, namely:

"(4) For the purposes of this Constitution as it applies in relation to the State of Jammu and Kashmir.

(*a*) references to this Constitution or to the provisions thereof shall be construed as references to the Constitution or the provisions thereof as applied in relation to the said State;

(*b*) references to the Government of the said State shall be construed as including references to the Sadar-i-Riyasat acting on the advice of his Council of Ministers................................"

To Article 368 was added the following proviso:

"Provided further that no such amendent shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of Article 370."

As far as the State of Jammu and Kashmir was concerned, some entries in the Union List were modified, Entry 97 was omitted, and the State List and the Concurrent List were omitted.

17-11-1956.	The Jammu and Kashmir Constitution was adopted.
26-1-1957.	Some sections came into force on that date and the remaining sections came into force on this date.

6-11-1957.	Karan Singh was elected Sadar-i-Riyasat for the second time.
31-10-1962.	Karan Singh was elected Sadar-i-Riyasat for the third time.
10-4-1965.	Jammu and Kashmir Constitution (Sixth amendment) Act, 1965 received the assent of the Sadar-i-Riyasat.

On November 24, 1965, the President, in exercise of the powers conferred by clause (1) of Article 370 of the Constitution, with the concurrence of the Government of the State of Jammu and Kashmir, made the Constitution (Application to Jammu and Kashmir) Second amendment Order, 1965. Under this Order, for sub-clause (*b*) of clause (4) of Article 367 the following clauses were inserted:

> "(*a*) references to the person for the time being recognized by the President on the recommendations of Legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Minister of the State for the time being in office, shall be construed as references to the Governor of Jammu and Kashmir;
>
> (*b*) references to the Government of the said State shall be construed as including references to the Governor of Jammu and Kashmir acting on the advice of his council of Ministers.

Provided that in respect of any period prior to the 10th day of April, 1965, such references shall be construed as including references to the Sadar-i-Riyasat acting on the advice of his council of Ministers."

For reference see

(*i*) Mohd. Maqbool Damnoo vs. State of Jammu and Kashmir 1972 (1) Supreme Court Cases pages-541 to 544 and AIR 1972 Supreme Court page 963.

(iii) Treaty between the British Government and Maharaja Gulab Singh, concluded at Amritsar on 16th March, 1846.

Annexure

Treaty between the British Government on the one part and Maharaja Gulab Singh of Jammu on the other, concluded on the part of the British Government by Frederick Currie Esquire, and Brevet Major Henry Montgomery Lawrence, acting under the orders of the Right Hon'ble Sir Henry Hardinge, G.C.B., one of Her Britannic Majesty's Most Honourable Privy Council, Governor-General, appointed by the Honourable Company to direct and control all their affairs in the East India, and by Maharaja Gulab Singh in person—1846.

Article 1.-The British Government transfers and makes over, for ever, in independent possession to Maharaja Gulab Singh and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the Eastward of the river Indus and Westward of the River Ravi, including Chamba and excluding Lahol, being part of the territory ceded to the British Government by the Lahore State according to the provisions of Article 4 of the Treaty of Lahore, dated 9th March 1846 A.D.

Article 2.-The Eastern boundary of the tract transferred by the foregoing article to Maharaja Gulab Singh shall be laid down by Commissioners appointed by the British Government and Maharaja Gulab Singh respectively for that purpose and shall be defined in a separate engagement after survey.

Article 3.-In consideration of the transfer made to him and his heir by the provisions of the foregoing Articles, Maharaja Gulab Singh will pay to the British Government the sum of 75 lakhs of rupees (Nanakshahi), fifty lakhs to be paid on ratification of this Treaty and twentyfive lakhs on or before the 1st October of the current year, 1846 A.D.

Article 4.-The limits of the territories of Maharaja Gulab Singh shall not be at any time changed without the concurrence of the British Government.

Article 5.-Maharaja Gulab Singh will refer to the Arbitration of the British Government any disputes or questions that may arise between himself and the Government of Lahore or any other neighbouring States and will abide by the decision of the British Government.

Article 6.-Maharaja Gulab Singh engages for himself and his heirs to join with the whole of his military forces the British troops when employed within the hills or in the territories adjoining his possessions.

Article 7.-Maharaja Gulab Singh engages never to take or retain in his service any British subjects nor the subject of any European or American State without the consent of the British Government.

Article 8.-Maharaja Gulab Singh engages to respect in regard to the territory transferred to him under the provisions of Article 5, 6, and 7 of these separate engagement between the British Government and the Lahore Durbar, dated 11th March 1846.

Article 9.-The British Government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.

Article 10.-Maharaja Gulab Singh acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British Government one horse, 12 goats (6 male and 6 female) and three pairs of Kashmir shawls.

This treaty consisting of the above Articles has been this day settled by Frederic Currie Esquire, and Brevet Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge, G.C.B., Governor-General of the part on the British Government and by Maharaja Gulab Singh in person and the said Treaty has been this day ratified by the seal of the Right Honourable Sir Henry Hardinge, G.C.B., Governor General.

Done at Amritsar this sixteenth day of March in the year of our Lord, 1846, Corresponding with the seventeenth day Rabi-ul-Awwal, 1264, Hijri.

Sd/-

Maharaja Gulab Singh
(signed) F.Currie
(signed) HM Lawrence

by Order of the Right
Hon'ble the Government of India
(Sd) F Currie
Secretary to the Government
of India will the Governor General

(iv) Agreement Between Tibet and Kashmir (1852)

Concluded between the two Garpons or provincial Governors appointed by the Dalai Lama and the representatives of the Maharaja of Kashmir.

This is dated the third day of the month of the Water Bull Year (apparently 1852.).

The Ladakis refusing to supply the Tibetan Government trader Ke-Sang Gyurme with the usual transport animals on account of the decreased tea trade, the Nyer-pas of the Garpons were deputed to enquire about this matter and to investigate boundary dispute between Ladak and Tibet. A meeting was accordingly arranged between Ladak Thanadar Sahib Bastiram and Kalon Rinzin accompained by his servant Yeshe Wangyal and an agreement was made as follows:

In future the Ladakis will supply the Tibetan Government traders with the usual transport requirements without any demure. The joint Te-Is ("Teji" is a Tibetan title which the then Garpons might have held) will request their Government to appoint only intelligent and capable men to take the annual tribute to Tibet. The Ladakis shall provide the Tibetan Government traders with Accommodation and servants as usual and render them any further assistant according to the old established custom. The Garpons will issue orders to the effect that tea and woollen goods arriving at Nagari shall only be sent to Ladak and not to any other place. The boundary between Ladak and Tibet will remain the same as before. No restriction shall be laid by the people of Rudok on the export of salt and woollen goods and the import of barely flour and barely. Neither party shall contravene the existing rules and the rates of Customs duties and market supplies shall be fixed by both parties concerned. The above rules shall apply also to the Rongpas (people inhabiting the valley countries), who export salt. The travellers from North and West who come through Rong Are given Passport by the Thanadar. They are liable to Customs duties as prescribed in their passports. Should any of them be unable to produce his passport he shall be made to pay fifty times the amount ordinarily recoverable from him. No case will be heard against such recoveries made by the customs officers. In deciding all important matters the rulers shall take into considerations the manners and customs of both sides and observes the old-established rules regarding supply of transport, etc. There shall be no restriction in grazing animals in the pasture reserved for the animals of the Government traders, but the people shall not be allowed to abuse this privilege by bringing animals from outside to graze it. Both parties shall adhere strictly of the agreement thus arrived at between Tibet and Singpas (Kashmiris) and the two frontier officers shall act in perfect accord and co-operation.

Source: The Indian Society of International Law. The Sino-Indian Boundary (New Delhi, 1962), pp. 4.5.

(v) Instrument of Accession executed by Maharaja Hari Singh on October 26, 1947 and Acceptance of Accession by the Governor General of India.

Whereas the Independence Act, 1947, provides that as from the fifteenth of August 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor General may by order specify, be applicable to the Dominion of India.

And whereas the Government of India Act, 1935, as so adapted by the Governor General, provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof.

Now, therefore, I Shriman Indra Mahendra Rajrajeshwar Maharajadhiraj Shri Hari Singhji., Jammu & Kashmir Naresh *Tatha Tibbet adi Deshadhipati*, Ruler of Jammu & Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession and:-

(1) I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu & Kashmir (hereinafter referred to as "this State") such function as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th Day of August 1947 (Which Act as so in force is hereafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.
3. I accept the matters specified in the schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.
4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the Ruler of this State Whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.
5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act, 1947, unless such amendment is accepted by me by Instrument supplementary to this Instrument.
6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense, or, if the land belongs to me transfer it to them on such terms as may be agreed or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.
7. Nothing in this Instrument shall be deemed to commit in any way to acceptance of any future constitution of India or to fetter my discretion to enter into agreement with the Government of India under any such future Constitution.
8. Nothing in this Instrument effects the continuance of my Sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and right now enjoyed by me as Ruler of this

State or the validity of any law at present in force in this state.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, nineteen hundred and fortyseven.

Hari Singh
Maharajadiraj of Jammu & Kashmir State

Acceptance of Accession by The
Governor General of India

I do hereby accept this Instrument of Accession.

Dated this twenty-seventh day of October, nineteen hundred and forty-seven.

Mountbatten of Burma,
Governor General of India

(vi) Pakistan's Draft

•Recognising the need to bring to and end the enormous human and material losses being suffered by both countries in the Siachen area.

Nothing that the Line of Control between the point NJ 9842 and the Karakoram pass is yet to be delineated and that an understanding on the Siachen issue will eliminate an area of tension;

Considering that a settlement of the issue will constitute a major Confidence Building Measure.

Reiterating the desire to settle issues peacefully through negotiations in the letter and spirit of the Simla Agreement.

The two sides have agreed as follows:-

(1) The area within the triangle Indira Koli-Point NJ 9842-Karakoram pass will be vacated by the armed forces of the two sides.

(2) The armed forces of the two sides will be re-deployed south of point NJ 9842 so as to conform with the Simla Agreement.

(3) The modalities and time frame of the re-deployment as well as the monitoring arrangements worked out by the military experts are annexed.

(4) Neither side shall attempt to alter the status of the area within the triangle Indira Kolipoint NJ 9842-Karakoram pass, pending delineation of the Line of Control.

(5) A Joint Commission comprising experts from both sides will be set up in order to examine the question of delineation of the Line of Control. The Joint Commission shall commence work immediately after the completion of the re-deployment of forces and submit its report to the two governments within a period of six months thereafter.

Alternative para (fall back position)

The armed forces of the two sides shall vacate areas and re-deploy as indicated in the annexure. The positions vacated would not for either side constitute a basis for a legal claim or justify a political or moral right to the area indicated. The delineation of the Line of Control from point NJ 9842 to the Karakoram pass will form part of the comprehensive settlement to follow the re-deployment of troops.

By Courtesy

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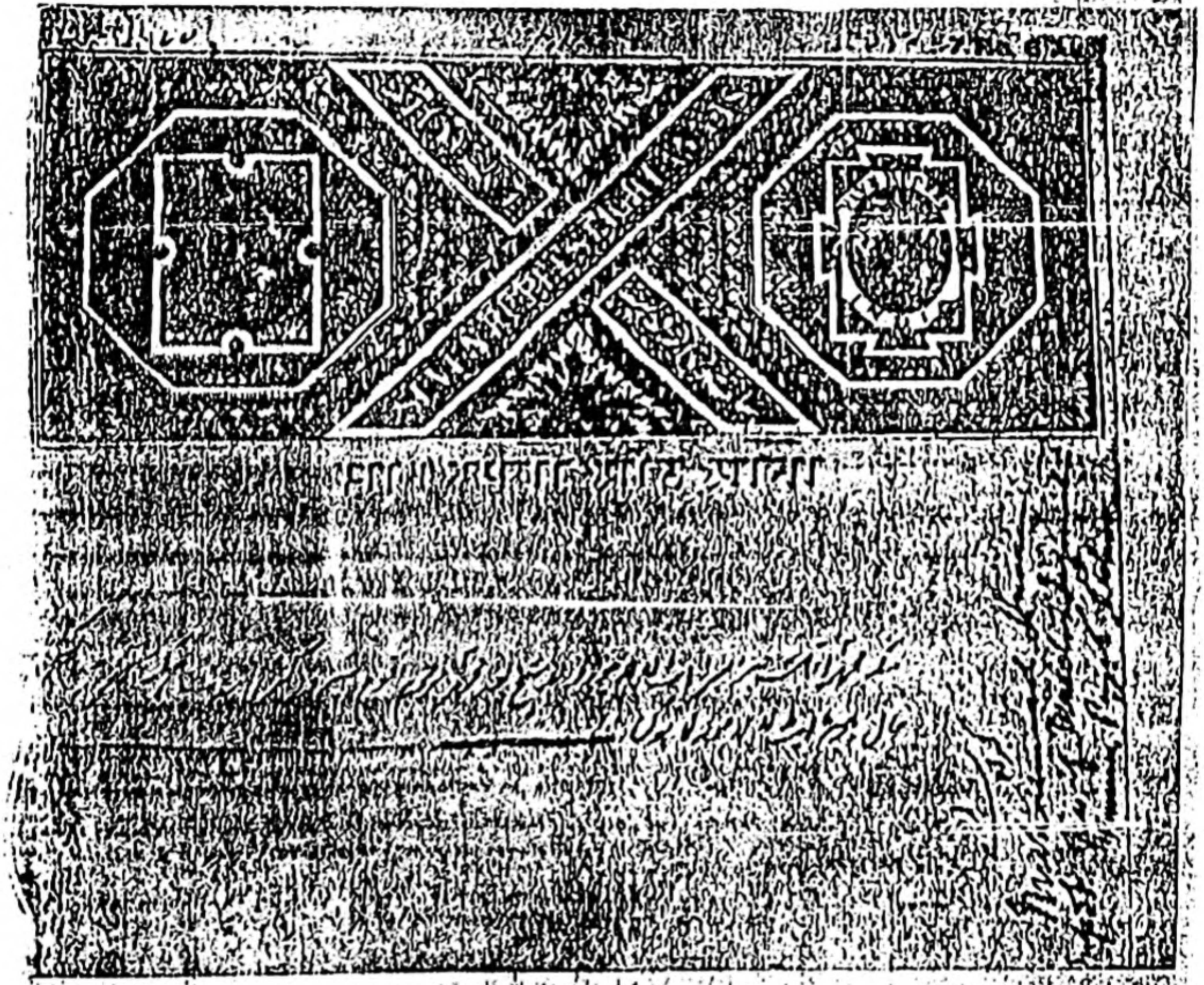

simile of a registered deed in which Dr Mohammad Iqbal declares himself a Sapru Kashmiri Pandit. The exhibit is on display at the Central State Library, Chandigarh.

(vii) Indian Draft (First)

Consequent to discussions in the VI round of Talks on the Siachen issue both sides agreed to the following:-

(i) Delineation of the Line of Control beyond NJ 9842: It was agreed that the immediate focus should be on restoring peace and tranquility in the glacial region. Towards this end, without prejudice to the positions taken by either side in the earlier round of talks, both sides agreed that the LOC in this area shall be determined on a time bound basis.

(ii) Disengagement and Redeployment: To secure enduring peace and tranquility in this area both sides agreed to redeploy as follows:-

India: The Indian Army shall vacate their existing positions at....and.... redeploy at......

Pakistan: The Pak army shall vacate their existing positions at....and....and redeploy at......

(iii) Zone Disengagements: Consequent to disengagement from existing positions and redeployment to agreed positions, as noted in para (ii) above, both sides commit:

(a) that they shall not seek to re-occupy the positions vacated by them or to occupy the positions vacated by the other side or to occupy new positions across the alignment determined by the vacated positions.

(b) that they shall not undertake any military or mountaineering activity whatever in the Zone of Disengagement bounded as follows:-

(c) that if either side violates the zone of Disengagement, the other side shall be free to respond through any means, including military.

(iv) Monitoring maintenance of peace in the Zone of disengagement: Having committed themselves to maintain peace and tranquility in the area comprising the Zone of Disengagement, both sides agree to the following monitoring measures to ensures against any violation of this zone;

(v) Implementation Schedule: In pursuance of their commitments in paras (i) to (iv) above, both sides to disengage and re-deploy as per the following schedule.

By Courtesy.

Bibliography

Books

Alastair Lamb, The Kashmir Problem, (1968).

Alexandar Counningham, Ladak Physical, Statistical and Historical (1970).

Andre Migot, Tibetan Marches, Translated by Peter Fleming (1960).

Air Commodore N.B. Singh, "Air Power and Regional Security", in Indian Security, (1990).

A.S. Narang, "Rise and Growth of Communalism in Pre-Independent India", published in Communal Problem in India; A Symposium, (1988).

A.L. Basham, The Wonder That was India, (1994).

Bakshi Ghulam Mohammad, "Kashmir and the Plebscite", The Modern Review (1954).

B.N. Mullick, My Years with Nehrus Kashmir (1971).

Baljit Rai, Muslim Fundamentalism In The Indian Sub Continent (1991).

Bhuchung K. Tsering, "Proving Truth From Facts", Tibetan Bulletin (May-June 1993).

B.N. Chakravarty, India Speaks To America, (1966).

B.K. Srivastava, "Indo-American Relations Retrospect And Prospect", International Studies, Vol. 14.

B.N. Kaul, India and Super Powers, (1989)

Brecher, India And The World Politics.

B.N. Mullick, The Chinese Betrayal of Asia, (1976).

C.E. Tyndale Biscoe, Kashmir in sunlight and Shade (1971).

C.E. Tyndale Biscoe, Kashmir in Sunlight and Shade (1971).

Chester Bowles, Premises To Keep, (1972).

Claudo B. Levenson, The Dalai Lama : A Biography, (1989).

CAD XI.

CAD, Vol. VII.

Communist China and Arms Control, A contingency study (1967-1976), Hoover Institution Publications (1968).

Communist China, (1968) ed. by Granz Schuramann And Orvilie Schell.

Charles G. Rose, in Religious Values and Human Society (Reprint 1988).

Dinanath Raina, Unhappy Kashmir (1990).

D.G. Tendulkar, Mahatma, Vol. 8 (1990).

Deendayal Upadhaya, Organiser, Oct. 12, 1960.

Daljit Sen Adel, China and Her Neighbours, (1984).

Dalai Lama, My Land and My People, (1977).

The Dalai Lama, Tibet, China and the World (1989).

D.C. Jha, "Foreign Policies of India and Pakistan : Kashmir As a Factor," South Asian Studies (Jaipur) Vol. 4 (July 1969).

The Dalai Lama, Guidelines for future Tibet's Polity and the Basic Features of Its Constitution, (1992).

Dr. Dharamandra Goel, "India's Security AND Super Powers" in Indian Security, (1990) ed. by Maj. Genl. Rajendra Nath, Shyam Khosla and Ashok Malik.

Devidas Lohalekar, U.S. Arms To Pakistan, (1991).

Dr. R.N. Misra, "A Meritime Dimensions", In Indian Security, (1990).

Dr. R.K. Parma, A History of Muslim Rule in Kashmir 1320-1819 (1969).

Frank Thakurdas, Foreword to India Pak Relations by Mahendra Singh (1982).

Fritjof Capra, The Turning Point, (1982).

Friendlander, Introduction to Social Welfare, (1981).

Gulab Mishra Prabhakar, Indo-Pakistan Relations (1987).

Gen. Mod. Wani, Kashmir Politics: Problem and Prospects (1993).

G.L. Kaul, Kashmir: Through The Ages (1954).

Gen. Rajendra Nath's Speech during seminar on South Asia, Problems of Nuclear Age (1985).

Gul Mohd. Wani, Kashmir Politics (1993).

Helena Norberg Wodge, Ancient Futures: Learning From Ladakh, Sierra Club Books (1991).

H.S. Guruo Raj Rao, Legal Aspects of The Kashmir Problem (1967).

His Holiness, The Dalai Lama's Speech at a Reception of India Diplomats delivered on January 29, 1985.

H.V. Hodson, The Great Divide (1970).

H.M. Seervai, Constitutional Law of India, 4th Ed. Vol. 1 (1991).

Humayun Kabir, The Indian Heritage, 1955 (Reprint 1964).

His Holiness the Dalai Lama, Introduction to Tibet-A Reality by M.G. Chitkara.

His Holiness the Dalai Lama, Afterwards to: Indo-Pak Amity: A New Concept by M.G. Chitkara.

Inder Kumar Gujral, "A plea for Stability", in Terrorism in Punjab: Cause and Cure, Pachnad Research Institute (1987).

J. Hutchison, J.Ph. Vogel, "History of the Punjab Hill States" Vol. 1.

J.Ph. Vogel, Ph.D. "Antiquities of Chamba State" 1911.

Jospeh Korbel, Danger in Kashmir (1954).

James P. Ferguson, Kashmir : An Historical Introduction (1961).

Jagat S. Bright, Kashmir Forever (1958).

Jyoti Bhushan Das Gupta, "Indo-Pakistan Relations" (1958).

Jagmohan, "My Frozon Turbulence in Kashmir, (1991).

James W. Spain, "Military Assistance For Pakistan", The American Political Science Review (Wisconsin) Vol. xlviii, (September 1954) Also see Mahendra Singh, Indo-US Relations, (1982).

John F. Kennedy, The Strategy of Peace, (1961).

John Kenneth Galbraith Ambassador's Journal: A Personal Account of the Kennedy's Years (1969).

Jawed Naqvi, "India Withdraws Nuclear Reactor Offer to Iran", India West, November 20, 1991.

Justice H.R. Khanna, "Diagnosis and Prescription in Terrorism in Punjab Cause and Cure, Panchand Research Institute. (1987).

Jaya Parkash Narayan, "Gandhi and the Politics of Decentralisation" in S.N. Ray, India and the World : An

International Symposium (1970) Also see Harijan July 26,1942.

Jannings, Some Characteristics of the Indian Constitution.

K.M. Pannikar, The Founding of the Kashmir State (1930).

K. Subsahamanayam, "Problem of living in Nuclear Age", (1985).

Keys to Kashmir, Lalla Publications (1953).

K. Subramanayam, Our National Security, (1972).

Krishan Kant, "The Nuclear Option-No Alternative to the Bomb", In Indian Security, (1990) ed. By Maj-Gen Rajendra Nath, Shyam Khosla and Ashok Malik.

Khushwant Singh, "A Lasting Solution", in Terrorism in Punjab, PANCHAND RESEARCH INSTITUTE (1987).

K.P. Chakravarti "Wards and Phrases Under the Constitution (1986).

Lord Bisdwood, "Two Nations And Kashmir (1956).

LOWELL THOMAS, Jr. The Silent War in Tibet, (1960).

Leonard Beaten and John Maddox, The Spread of Nuclear Weapons, (1962).

Leonard Spector, Nuclear Proliferation Today, (1984).

Lt. Gen. S.K. Sinha, "Threats and Strategy", In Indian Security (1990) edited by Maj. Gen Rejendra Nath, Shyam Khosla and Ashok Malik.

Manorma Year Books (1994).

Manorma Year Book (1992).

Mehar Chand Mahajan, Looking Back (1963).

M. Hidayatullah, Editor-in-Chief, Constitutional Law of India, Vol. II.

M.G. Chitkara, Indo-Pak Amity (1994).

Manmath Nath Dass, Partition and Independence of India.

Meghnad Saha: Birth Centenary (1992-93) Souvenir, Department of Physics University of Allahabad.

M.G. Chitkara, Tibet: A Reality (1994), Contribution by Bansi Ram Shar, a Ph. D. (Former Secy. Himachal Academy of Arts Culture and Languages.)

Masood Butt, Muslims of Tibet, Tibetan Bulletin, (January-February 1994).

M.C. Chagala, Roses in December: An Autobiography (1973).

Mahendra Singh, Indo-US Relations (1982).

Mahendra Kumar, Theorectical Aspects of International Relations, (1978).

Morton H.Harperin, China and the Bomb, (1965).

Maj. Gen Rajendera Nath,"Indian Quest for Security", in Indian Security, (1991).

Mark Hibbs, "Regional Nuclear Gambit Checked, U.S. Has Few Cards to Move India", Nucleonics Week, April 2, 1992.

M.V. Pylee, Constitutional Government in India (1960).

M.G. Chitkara, Indo-Pak Amity: A New Concept, (1991).

M.S. Golwalkar, Bunch of Thoughts, (1966).

N.A. Palkhivala, "We the People", (1988).

Nuclear Tibet (1993) A report by the International Campaign for Tibet.

Norman D. Palmer, "Ups and Downs in Indo-American Relations", Annals of the American Academy of Political and Social Science, (Philadelphia, Vol. 294 (July 1954)

Nelson Manfred Blake and Osar Theodore Brack Jr., The United States in its World Relations", (1960).

Nucleonics Week, August 16, 1990.

Nani A. Palkhivala, "We the Nation, (1994).

Prem Nath Bazaz, "Kashmir on Crucible (1967).

P.N. Srivastva, "Science in India: Excellence and Accountability", (1994).

Paurly Phrakal, Peking's Betrayal of Asia (1976).

PNK Bamzai, Kashmir and Central Asia (1980).

Present conditions in Tibet, (1990) Office of Information and International Relations, Dharamshala.

Peter Hopkiri, Trespassers on The Roof of The World The Race For Lhasa.

P.N. Haksar's Foreword, Probelms of Living in Nuclear Age, (1985) ed., by K.S. Subramanyam, M. Zuberi and Raja Ramanna.

Pradyot Pradhan, "The Chinese Factor-Conventional Weapons not enough", In Indian Security, (1991) ed. Maj. Gen. Rajendra Nath, Shyam Khosla and Ashok Malik.

P.B. Gajendragadkar, Law, Liberty and Social Justice, (1954).

P. Chand, Mother Land May 26, 1974, Also see Pauly Parkal, Peking's Betrayal of Asia, (1976).

Rajesh Kadain,"The Kashmir Tangle:" Issues and Opinion, (1992).

Ramji Lal, "Communal Scenario in India and the Its Way out" published in Communal probelm in India, A symposium (1988).

Richardson 1952: 71, as quoted by DEBORAH E. KLIMBURG SALTER, in "The Silk Route and the Diamond Path", (1982).

Raghunath Singh, "Let the World Wake up", National Integration; Tibet Issue, (1964).

R.R. Diwakar, Mahayogi (1954).

Rajmohan Gandhi, Understanding Muslim Mind, (1986).

Rajmohan Gandhi, Muslim Mind, (1966).

Sahdey Vohra, The Border Dispute with China (1994).

Sheikh Abdullah, Autobiography, Flames of the Chinar (1986) translated from Aatish-a-Chinar by Khushwant Singh.

Sisir Gupta, Kashmir: A Study in India Pakistan Relations, (1960).

SCOR Yr 17, Supplement for January, February and March, 1962. Doc.s/5058.

Surjit Man Singh, "India and the United States" in B.R. Nanda, ed. Indian Foreign Policy: The Nehru Years (Delhi, 1976).

Satu P. Limaye, U.S.-Indian Relations, (1993).

Sunder Lal Poplai and Phillips Talbot India, and America, (1968).

Sampooran Singh, India and the Nuclear Bomb (1971).

Selected works of Mao-Tse-Tung, Vol. IV.

Steophan Yurkov Peking Plans for Asia, (1982).

Subhash C. Partap, C.J., "International Workshop on Human Right, Key Note Address."

Shriram Maheshwari, Indian Administration, (1991).

Sriram Sharma Acharya, Influx of Ganga of Twenty first Century, (October 1992). The Reverend Acharya Sriram Sharma has translated almost all the scriptures from Sanskrit to Hindi. He has diligently communciated the message inherent in the four Vedas on hundred and eight Upnishads, Six systems of philosophy, twenty-four Geetas, Smritis, Brahman and Aranyakes and has writer about 1500 books.

"Statistical Outline of Himachal Predesh (1990) Published by Economics and Statistics Deptt.

Suheendra Kulkarni, "Only in Fire is the purity of Gold tested", Blitz dated May 21, 1994.

STEOPHAN YURKOV, Peking Plans for Asia (1952).

Treaty of Amritsar, (1846).

Tibet Proving Truth from Facts (April, 1993).

The New Encyclopaedia Britannica, Vol. I, Micropaedia Chicago, (1992).

The Chinese Threat, Publication Dev, Ministry of Information and Broadcasting, Govt. of India, (163).

The New Encyclopaedia Britannica (Vol. 10).

Ibid. (Vol. 6).

The Story of Hazratbal "Deccan Chronicle, Oct. 19, 1993.

Ibid. November 1, 1993.

Tibet-An Enchanting Land, By Department of Security of His Holiness the Dalai Lama, (1991).

T. Labsong Rampa, The Third Eye, Illustrated by Tessa Theobald, (1969).

Thomas Arnold, The Preaching of Islam.

T.V. Kunhi Krishnan, The Unfriendly Friends India and America, (1974).

T.S. Negi, Himachal Pradesh District Gazetteers-Chamba (1964).

Tenzin Gyatso, The Colobal Community and the Need for Universal Responsibility (1992).

The Modern Review, October, 1950.

TIBET: Environment and Development Issues, (1992).

The Third Pug Wash Conference Report, September, 1958.

The New China, News Agency, Press Communique, October 16, 1964.

The Security Council Official Records, (1948), Also see Gulab Mishra, Indo-Pakistan Relations, (1987).

T.S. Negi in Bureaucracy and Social Change (1994) by M.G. Chitkara.

U.S. Indian Relations, (1993).

V.P. Menon, The Story of the Integration of the Indian States, (1956).

Vijay Kranti, preview to Tibet-A Reality (1994), by M.G. Chitkara.

Vasantha Arora, "Bush Urges on Trade Differences India West, August 18, 1991.

V.D. Chopra, "Asian Peace and Neo Imperialist Axis" In Pakistan and Asian Peace, (1985).

Websteri New International Dictionary.

Wei Jingsheng, "The Special Status of Tibet," Tibetan Bullentin (January-February, 1994). The Chinese Communist Party like other communists, it has little respect for sovereignty and national self-determination.

Wade and Phillips, "Constitutional and Administrative Law".

William E. James and Suborto Roy, "Pak: Tricky past to grim future". (1994).

Yusuf Hussain, Indo-Muslim Polity, (1971).

Ziba Moshevar, Nuclear Weapons Prolifiration in the Indian subcontinent, (1991).

Z.A. Bhutto, If I am Assasinated, (1979).

Papero and periodicals

"A Clear Resolve", The Tribune, February 24, 1994.

J.V. Gupta, "Demolition, Enplosion of Hindu Sentiments", The .Tribune February, 1993.

A.N. Dar, "Islamic Fundamentalism in 1994,"The Tribune January 17, 1994.

K.F. Rustamji, "Towards Confecteration?" The Tribune, January 13, 1993.

Rajinder Sareen,"Stern action against Josh demanded", The Tribune December 11, 1974.

T.N. Kaul, "Without Home and Hearth", The Tribune, January 23, 1994.

U.R. Lalit, "Secularism must be redefined", The Tribune, January 25, 1993

Praful Bidwai, "Verdict For Secular Democracy", The Tribune, March 21, 1994.

O.P. Shah, "Kashmir which way to go", The Tribune, September 1. 1992.

A.N. Dar, "What after Geneva", The Tribune, March 17, 1994.

Major General (Retd) Rajendra Nath, "Donot forget defence in budget", The Tribune, February 3, 1994

V.S. Mathur: India is not yet" India", The Tribune, January 11, 1994.

Pritam Bhuller, "Sia Chen can provide good beginning" The Tribune, December 21, 1993.

"Support to Tibetans Pledge", The Tribune, March 21, 1994.

Rustam Singh, " Indo-US Relations: not all down hill The Tribune March 9, 1994.

Jasjit Singh, "Pak Proxy war may last 2 more years" The Tribune March 15, 1994.

Simranjit Singh Mann, "Doda Refugees in Pitiable State", The Tribune June 7, 1994.

Kuldip Nayar, "Globalisation of Kashmir", The Tribune, January 19, 1994.

The Tribune, January 20, 1994.

B.N. Kohli, "Pakistan's game-plan". The Tribune, January 18, 1994.

India Sends Pak six proposals", The Tribune, January 25, 1994.

"Pakistan-Backward March", The Tribune, January 28, 1994.

Poonam, I. Kaushik, Transparency Yields dividends", The Tribune, February 23, 1993.

Jagmohan, "Terrorism and Human Rights", The Tribune, March 1, 1994.

K.F. Rustamji, "A difficult job in Kashmir", The Tribune, March 3, 1994.

"Battle Won But War Ahead" The Tribune, March 11, 1994.

John Maynard Keynes, The Tribune March 3, 1994.

V.N. Narayanan, Lies, damn lies and denials", The Tribune, July 1, 1993.

Maulana Wahiduddin Khan, "Religion beyond Limits of Nationalism", The Tribune, February 8, 1994.

S. Subramaniam, "Holistic approach to internal security", The Tribune, March 10, 1994.

S.K. Bhatnagar "Terrorism and human rights", The Tribune, March 10, 1994.

S. Subramaniam, "Holistic approach to Internal Security", The Tribune, March 10, 1994.

L.K. Advani, "Political Process in J & K Ridiculous", The Tribune, March 21, 1994.

Dr. Shankar Dayal Sharma, The Tribune, January 26, 1993.

"Communal Clashes rock Bhaderwah", The Tribune, June 8, 1994.

Rakesh Lohumi, "Migrants Unwilling to return", The Tribune, June 9, 1994.

"NHRC Asserts Right", The Tribune, June 8, 1994.

Syed Norruzzaman, "Muslims and the Congress", The Tribune, February 8, 1993.

Y.P. Chithley, "Kashmir: conflicting layers of perception, The Tribune, May 22, 1994.

P.V. Narsimha Rao's speech before the Joint sitting of the U.S. Congress, "Towards a terrorless, povertyless future", The Tribune, May 24, 1994.

"A Firm Resolve on Kashmir", The Tribune, May 25, 1994.

Prem Bhatia, "Kashmir: talk and reality", The Tribune, May 27, 1994.

Bernard Lawn, "India: Pluses and Minuses," The Tribune, December 21, 1994.

Bernard Lown, "Growing rich-poor disparities", The Tribune, December 22, 1993.

"India, Pak biggest arms importers, The Tribune, June 3, 1994.

"Ahmediyas allege persecution in Pakistan", The Tribune, December 25, 1993.

Bernard Lawn "New World Order and globalism", The Tribune, December 25, 1993.

Sukant Gupta, Tibetan's Never Ending Struggle", The Tribune March 19, 1994.

"Testing Time in Kashmir" The Tribune, February 1, 1994.

"Right Step in Ladakh", The Tribune March 8, 1994.

Parshotam Mishra, "Well drawn border study with China", The Sunday Tribune, March 13, 1994.

PPS Gill, "Between Black Thunder,'and Hazartbal, The Tribune, November 18, 1994.

IS' Show its Fangs", The Tribune, March 21, 1994.

Som Benegal, "Pakistan and Core Issue," The Tribune, March 21, 1994.

T.N. Kaul, "Without Home and Hearth", The Tribune, January 23, 1994.

C.K. Jaffer Sharief, "Pak 'unsettling', Indian Muslims", The Tribune, Feb. 1, 1994.

Prem Bhatia, "Dealing with Pakistan", The Tribune, January 15, 1994.

"Parliament Plays Pak Role", The Tribune, February 23, 1994.

"Positive Signals From Moscow", The Tribune, June 10, 1994.

"Ground Rules of Encounter", Indian Express, February 24, 1994.

Amar Zutshi, "Rise of Hindu Nationalism", Indian Express, March 2, 1993.

L.K. Advani, Indian Express, December 27, 1992.

R.L.M. Patil, "Secularism: The fall of a false God", The Indian Express, December 20, 1992.

Jagmohan, "Crisis of the Polity", Indian Express, January 5, 1993.

C.H. Hanumantha Rao, "Religious Fundamentalism", Indian Express, January 28, 1993.

M.Rama Jois, "Secularism as Dharma: Supreme Court has affirmed Hindu Wisdom", Indian Express, April 1, 1994.

Irfan Habib, "The case for reason: Arguing with Communalism", Indian Express, January 5, 1993

Ram Jethmalani, "Post-Geneva agenda", Indian Express, March 19, 1994.

Sanjeev Miglani, "Pak's defence built-up worries defence Ministry", Indian Express, January 2, 1994.

The Pakistani Mask, "Indian Express, February 3, 1994.

Bhattacharia, N. 43: Indian Express (New Delhi) August 27, 1992.

"Pakistan has N-arm capability", Indian Express, February 25, 1994.

"Pakistan Warns of another War", Indian Express, January 18, 1994.

Jagjit Singh, "Options on Kashmir", Indian Express, December 11, 1993.

"Her War Like Posture", Indian Express, January 31, 1994.

Madhukar Gupta, Indian daligate at the 50th Session of the Commission of Human Rights, at Geneva, The Indian Express, March 5, 1994.

Jakson in "Independent Kashmir", by Jagmohan, India

"Pak behind rights violations", Indian Express March 4, 1994.

Prakash Singh, "To win the Kashmir War," Indian Express, February 17, 1994.

"Operation Good Will A Success", Indian Express, States, February 3, 1994.

Srinivas Rao, "Anagenda for peace in Kashmir", Indian Express, February 14, 1994.

J.N. Dixit, Quick-fix Solutions, International Academic Cogitations on Kashmir, Indian Express, April 19, 1994.

"US interested in establishing independent Kashmir: Report, Indian Express May 12, 1994.

Amar Zutshi, "Rise of Hindu Nationalism", Indian Express, March 2, 1993.

L.K. Advani."Religions Bill Imperils where to claim to save", Indian Express, August 23, 1993.

Indian Express, May 19, 1992: Also see Gul Mohd. Wani, Kashmir Politics (1993).

"Some Rights other wrongs", Indian Express, February 11, 1994.

G.M. Telang, "Myths about Kashmir", Indian Express, October 27, 1993.

Jasjit Singh, "Defusing Siachen: Clear definition of line of Control is crucial", Indian Express, December 27, 1993.

Rajesh Deol, "Assurances Fail to Sell 'Return' to Migrants, Indian Express June 7, 1994.

SMK Kazmi, "Doda Offers terrorists what the valley denies", Indian Express June 5, 1994.

Rajesh Deol, "Chamba faced with spill-over of terrorism", Indian Express. 8.6.94.

"Militants holdup in Hazratbal Shrine", Indian Express, October 17, 1993.

"United States and Kashmir", Indian Express, October 25, 1993.

Amar Lekhi, "The Logic and Validity of accession", Indian Express, November 15, 1993.

Jagjit Singh," Options on Kashmir", Indian Express, December 11, 1993.

"Political Settlement must on Kashmir", Indian Express, November 10, 1993.

Kushabhau Thakra, "No Policy on Kashmir", Indian Express January 13, 1994.

"Striking Back in Doda" Indian Express June 8, 1994.

Virbhadra Singh, "HP asks Centre to provide modern weapons", Indian Express, June 16, 1994.

Ramesh Khazanchi, "Follies of Plebscite in Kashmir", The Times of India, March 9, 1994.

Dinesh Kumar, "Kargil Fatwas against militancy", The Time of India, January 31, 1994.

L.K. Advani, "The Times of India, February 19, 1994.

T.K. Thomas, "Identity Question", The Times of India, February 25, 1993.

T.K. Thomas, "Meaning of 'The other': Perceptions in Indian Society", The Times of India, Jan. 19, 1994.

Mrs. Neelam Sabharwal, "Lau should stop talking lies", The Times of India, February 26, 1994.

Mani Shankar Aiyer, The Times of India, Nov. 18, 1992.

K.B. Dalike, "True Secularism", The Times of India, November 12, 1992.

The Dalai Lama, "Indian deepening Crisis", Imperatives of "Harmonious co-existence". The Times of India, December 10, 1992.

Gautam Adhikari, "Understanding India", The Times of India, December 23, 1992.

Balraj Madhok, "Political Answers in Jammu and Ladakh" The Times of India, May 6, 1994.

"Outlook in Kashmir", The Times of India, June 10, 94.

"Rights Panel to Probe Violations in Kashmir", The Times of India, June 8, 1994.

Dr. Farooq Abdullah in "Farooq for LOC as International Border" by Subhash Kirpekar from Geneva, The Time of India, March 5, 1994.

Manoj Joshi, "Home Alone in the world", The Times of India, January 12, 1994.

Harvey Stockwin, "Dalai for greater pressure on China", The Times of India, March 13, 1994.

Nicholas Roearich, The Great Russian, artists, The Times of India, June 1, 1994.

Kenneth, "Alls well Between India and US", The Times of India, February 9, 1994.

Ms. Geraldine Ferraro, U.S. Avoids mention of Kashmir, The Times of India, March 9, 1994.

M.B. Naqvi, "Foe For All", The Times of India, Feb. 21, 1994.

Inder Malhotra, "Political Commentary", December 24, 1993, The Times of India.

Akhtar Majeed, "Piftalls of India's Nuclear Brahmacharya", The Times of India, March 20, 1994.

The Times of India, January 30, 1994.

"Stalemate in Kashmir", The Times of India, January 30, 1994.

Anil Subramanium, "Democracy: Not Perfect But the Best", The Times of India, May 27, 1993.

Manoj Joshi, "Impasse over Kashmir", The Times of India, February 9, 1994.

Pandita in "The gun must be silenced in Kashmir" by Subhash Kirpekar, The Times of India, March 3, 1994.

Mahatma Gandhi, The Times of India, May 17, 1994.

"Farooq in Full Flow", The Times of India, May 24, 1994.

"P.M. Vows to end J.K. Militancy", The Times of India, May 25, 1994.

Ajay Chrangoo, "Panun Kashmir", The Times of India, May 25, 1994.

Sabina Sehgal Saika, "Time Ripe For Starting Poll Process in Valley", The Times of India, May 30, 1994.

Rajdeep Sardesh, "China danger to regional peace", The Times of India, December 13, 1993.

The Times of India March 13, 1994.

P.B. Gajenderagadkar, "Kashmir Future: Government urged to end uncertainity", Hindustan Times, Feb. 20, 1996.

M.R. Malkani, "Looking at the Future", The Hindustan Times, March 17, 1993.

Hindustan Times, January 7, 1961, Also see, Mehandra Singh Indo-US Relations, (1982).

See report from Washington by Ajit Bhattachargea, Hindustan Times Correspondent, Hindustan Times, August 24, 1962; report from Washington by T.V. Parasuram, Indian Express Correspondent, Indian Express, 27 August 1962; and Council on Foreign Relations Series, No. 3.

S. Sahay, "Costly Mistakes", The Hindustan Times, February 11, 1994.

Ms. Raphel, "Kashmir's Opinion Vital", The Statesman, February 11, 1994.

Neeraj Chowdhry "At best a statemate in Kashmir", The Economic Times, October 24, 1993.

Dr. Najma Heptallah, "Najma apprises Clinton aides of Kashmir Human Rights Issue", The Economic Times, October 26, 1993.

New York Times, July 15, 1961 and January 7, 1962.

New York Times, November 26, 1962; Also see, Gulab Mishra, 'Prabhakar', INDO-Pakistan Relations, (1987).

Paul Lewis, "Pakistan Tell of Its A-Bomb capacity", New York Times, February 8, 1992.

Steve Coll, "Iran Reported Trying to Buy Indian Reactor", Washington Post, November 15, 1991.

The Los Angles Times, March 19, 1994. Also see The Times of India, March 20, 1994.

"Treasured Relics", The Hindu Magazine, November 21, 1993.

"Hazratbal again in the eye of the Storm", The Hindu Magazine, October 20, 1993.

F.J. Khergamvala, "Raphol's remarks will help India", The Hindu, November 21, 1993.

Suddeeendra Kulkarni, Blitz, October 30, 1993.

Inder Malhotra, "Times for Talks", Sunday December 12-18, 1993.

"T.V. Parasu Ram. The Power of Persuation", The Week February 6, 1994.

India Today, March 31, 1987.

Rajendra Singh, India Today, April 15-30, 1994.

Sawant, J in re: Sawhney and others Vs. Union of India and others, JT (1992) (6) SC 273 and 454, para 478.

Ayyar, J. in re: Kerala Education Bill, AIR-1958, SC.

"P.C. Pati, Secularism in India" AIR 1994 Journal Section 33.

J.N. Pande, Constitutional Law of India (1986).

Beg J. in Ziauddin Bukhari Vs. Mehra, Civil Appeal No.134 of 1993, decided on 25.4.1975 Also see P.C. Pati, "Secularism in India", AIR 1994 Journal Section 33.

Athiest Society of India Vs. Govt. of A.P. AIR 1992 and para-319 para 27.

Keshavananda Bharati Vs. State——, AIR, 1973 SC 1461, Also see S.R. Bommai and others Vs. Union of India and others J.T. 1994(2) SC 215.

S.R. Bommai and others Vs. Union of India and others, JT 1994 (2) SC 215.

Ziyauddin Burhanuddin Bukhari Vs. Brijmohan Ram Dass Mehra, (1976) 2 SCC.

Dr. L.M. Singhvi, Freedom of Trial, Also see, Athiest Society of India Vs. Govt. of AP, AIR 1992 AP.

Gajendragadkar, CJ, in re: YAGNAPURUSHDAS JI Sv. MULDAS, AIR 1965 SC Also see Joynbeen, The Present day Experiment in Western Civilisation.

Shetty, J in re: S. Rangarajan Vs. P. Jagjiwan Ram (1989) 2 SCC 574.

Reddy, J. in re-Byjoe Emmanued Vs. State of Kerala, AIR 1987 SC 748.

S.P. Gupta, Vs. President of India, AIR, 1982 SC 149.

Jay Tilak Guha Roy, "Open Government and Administrative Culture in India", IJPA (1990) Also see, The power of Democratic Ideas-Sixth Report of the Rockfeler Brothers Fund Special Studies Project, Indian Reporting (1967).

A.M. Ahmadi, J. in re: LIC of India vs. Manmohan D. Shah, (1992) 3 SCC 637.

Narinder Vs. State of M.P. AIR 1974 SC 1232.

Himatlal Vs. Police Commissioner, Ahmedabad, AIR 1973 SC 87.

Ram Nandan vs. State AIR 1959 Vol. 101.

Ram Manohar Lohia Vs. State of Bihar, AIR 1966 SC 740.

State of Bihar Vs. Shailabala Devi AIR 1952 SC-329.

Santokh Singh vs. Delhi Administration, AIR-1973 SC 1091.

The Superintendent Central Prison vs. Dr. Ram Manohar Lohia, AIR-1960 SC 633.

O.K. Ghosh Vs. Ex Joseph, Air, 1963 SC 812.

Bannott Coleman & Co., AIR, 1973 SC 106 also see Manekha Gandhi Vs. Union of India, AIR 1978 SC 597.

Binod Rao vs. Minocha Rustam Machni Bom LR 125.

In re: Saptaha AIR 1950 Cal. 444.

Rajmohan Gandhi, Understanding Muslim Mind, (1986).

C.P. Surendram, "Swan Song", The Illustrated Weekly of India, December 12-18, 1992.

Major General Ashok Verma, in Confront the Enemy "by Kripal Verma, The Illustrated Weekly of India, November 6-12-1993.

His Holiness The Dalai Lama, Introduction to Tibet-A Reality, by M.G. Chitkara.

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